

## Issue Analysis

### - Asylum-seekers – Refugees - *Sessions 1-8*

#### Introduction

- Asylum-seekers and Refugees is an issue that is raised fairly often within the context of the Universal Periodic Review.
- A total of 17 States posed advance questions on the issue while 59 States made recommendations.
- Out of 3533 advance questions in sessions 1 to 8, 74 questions concerned asylum-seekers and refugees.
- Out of 12385 recommendations in total, 205 focused on asylum-seekers and refugees.
- In order to facilitate further analysis of this issue, a division has been made between questions and recommendations relating to the general situation of human rights of refugees and asylum-seekers, questions and recommendations relating to the issue of non-refoulement and questions and recommendations relating to the ratification of international instrument such as the 1951 Refugee Convention and the 1967 Protocol, as well as national obligations associated with such instruments. These categories are not mutually exclusive.

#### Analysis

##### General situation of human rights of refugees and asylum-seekers

- This category contains all questions and recommendations that relate to the general situation of the human rights of refugees and asylum-seekers, and any other remarks regarding the issue.
- Out of 74 questions posed on refugees and asylum-seekers, 56 of these focused on the situation of the human rights of refugees and asylum-seekers.
- Out of 204 recommendations on refugees and asylum-seekers, 164 recommendations focused on the situation of human rights of refugees and asylum-seekers.
- Questions and recommendations include, for example “What is the situation of persons without legal status, specially the rejected asylum-seekers who cannot be sent home to their countries of origin? Are the basic human rights of such persons secured?” “Could you tell us what steps the government has taken to address concerns about inadequate facilities for housing asylum-seekers?”and “Authorize the detention of asylum seekers only in exceptional situations, and limit its duration.”

##### Top States posing advance written questions on this issue

1. United Kingdom (15 questions)
2. Netherlands (11 questions)
3. Sweden (6 questions)

4. Czech Republic (5 questions)

#### **Top 4 States making recommendations on this issue**

1. Czech Republic (20 recommendations)
2. Mexico (14 recommendations)
3. Algeria et Argentine (12 recommendations)
4. Canada (10 recommendations)

#### **Non-refoulement**

- This category contains all questions and recommendations that relate to the issue of refoulement, the forced repatriation of refugees and asylum seekers to countries where they face persecution and risk severe human rights violations.
- Out of 74 advance written questions, only 8 focused on non-refoulement or the forced repatriation of refugees.
- Out of 204 recommendations on asylum-seekers and refugees, 15 recommendations focused on the issue of non-refoulement.
- Questions and recommendations include, for example, “What measures are being adopted to ensure upholding the principle of non-refoulement and is there any guarantee of the right to appeal against negative decisions of the Visa and Refugee Commission?” or “Ensure that its national legislation and practice effectively protect the principle of non-refoulement.”

#### **Top States posing advance written questions on this issue**

1. Czech Republic (4 questions)
2. United Kingdom (2 questions)
3. Netherlands and Sweden (1 question each)

#### **Top 2 States making recommendations on this issue**

1. Czech Republic (8 recommendations)
2. Argentina, Belgium, Brazil, Mexico, New Zealand, Republic of Congo and United Kingdom (1 recommendation each)

#### **The 1951 Refugee Convention and the 1967 Protocol**

- This category contains all questions and recommendations that relate to the Convention and the Protocol including and its signature or ratification, as well as the implementation of States' national obligations according to these documents.
- Out of 74 advance written questions, 12 questions concerned the 1951 Convention and the 1967 Protocol.
- Out of 204 recommendations on the refugees and asylum-seekers, 25 recommendations focus on the Convention and/or the Protocol.
- Questions and recommendations urge states to ratify the Convention or to abide by obligations in the convention and protocol, for example, “Is the government intending to ratify the 1967 Protocol relating to the Status of Refugees?” or “Adhere to the principles under the 1951 Convention relating to the Status of Refugees and its Protocol of 1967 with a view to their ratification.”

#### **Top 2 States posing advance written questions on this issue**

1. Czech Republic (6 questions)
2. Sweden (3 questions)
3. Unites Kingdom (2 questions)

**Top 2 States making recommendations on this issue**

1. Algeria, Mexico and Czech Republic (3 recommendations each)
2. Belgium, Brazil, Canada, Switzerland (2 recommendation each)