

UNHCR's Annual Consultations with NGOs

**28 - 30 June 2011**

CICG • Geneva, Switzerland



YEARS

# Rapporteur's Report

On behalf of NGOs:

Linda Bartolomei

Deputy Director

University of New South Wales Australia

Rapporteur for the Annual Consultations



**UNHCR's Annual Consultations with NGOs  
28 – 30 June 2011**

**Rapporteur's Report**

On behalf of NGOs:  
Linda Bartolomei  
Deputy Director  
Centre for Refugee Research, University of New South Wales, Sydney  
Rapporteur for the Annual Consultations

## **EXECUTIVE SUMMARY**

The theme of this year's Consultations was '60 Years of Partnership – The Road Ahead.' During the three days of the Consultations participants shared good practices and reviewed progress made in addressing issues identified during previous Consultations. They also explored gaps in the protection of refugees, displaced and stateless persons, grappled with persistent problems and identified new and emerging challenges. These included the importance of finding responses to the new ways in which people are forced to move and who are not covered by the 1951 Convention: in particular, those impacted by today's mega trends of population growth, urbanization, food and water insecurity and by climate change. Sexual and gender-based violence was raised as a critical issue of concern and a pervasive problem. Refugee and IDP women spoke out courageously about the widespread rape and other forms of sexual and gender-based violence (SGBV) that pervades their lives and the lives of their communities and they urged action and an effective response from all of us. While both UNHCR and NGOs are committed to addressing this problem, it remains clear that action thus far has been insufficient. The Deputy High Commissioner emphasised that UNHCR was committed to revisiting and maintaining a sustained focus on this issue.

Thematic sessions explored a number of contemporary protection concerns. These included the dimensions of, and responses to, urban refugees, internally displaced, stateless persons, women and girls, the situation in Sudan, resettlement, alternatives to detention and land restitution. A number of other sessions related to operational matters, in particular the Results Based Management framework and the role of local NGOs and faith based organizations. The Regional Bureaux sessions explored a range of cross cutting themes including the strength of, and the challenges faced by, national NGOs; the importance of involving refugees, displaced and stateless persons as partners, not only in problem identification, but in developing and implementing solutions; and the particular risks faced by women and girls and by lesbian, gay, bisexual, transgender and intersex (LGBTI), refugees and asylum-seekers. A number of important recommendations were put forward by NGOs, UNHCR and the refugee and internally displaced women. States are urged to consider these recommendations as they draft their Pledges for the December 2011 ministerial-level meeting.

### **Key recommendations**

#### ***Regional issues***

- UNHCR should ensure that there is effective and regular communication concerning the Cessation Strategy and Road Map for Rwanda so that the refugees and NGOs concerned are better placed to know what is happening and to plan for the future.
- UNHCR should continue to lobby for the protection of civilians and its people of concern in Sudan even after the 9 July 2011 deadline, as there is a likelihood that conflict will continue between North and South Sudan.
- The development of comprehensive solutions, including a mix of durable solutions, is critical to addressing protracted refugee situations, particularly in the Asia Region.
- The MENA region is currently experiencing a period of unprecedented political, social and security challenges. However, as a result of current

### ***Sexual and Gender-Based Violence (SGBV)***

- Properly resourced, comprehensive and holistic services must be made available by UNHCR and other relevant actors for victims of rape and other forms of sexual and gender-based violence in all refugee sites and a report provided on the implementation and outcomes of these actions at the 2012 NGO Consultations. It was also suggested that a position similar to that of a Special Rapporteur be created to monitor incidents of SGBV and progress made in response and prevention.
- Strategies for working with men should be developed and implemented in all refugee and displacement sites by the relevant actors as a matter of urgency to reduce the incidence of violence and to include them as active partners in the protection of women, girls and boys from all forms of violence, including SGBV.

### ***Age, Gender and Diversity Mainstreaming (AGDM)***

- UNHCR and NGOs should introduce strong policies and guidelines for the meaningful participation of refugee and displaced women, girls, men and boys in all aspects of consultation and decision-making. These should be monitored and strict accountability measures taken to ensure their full and effective implementation.
- There is an urgent need to create real protection space for LGTBI refugees and asylum-seekers both culturally and legally. In the meantime, UNHCR should build the capacity of its staff by creating awareness and sensitivity.

### ***Partnerships and results based management***

- UNHCR and NGOs should advocate with donors to better understand and support proximity through partnership (PTP). This should include capacity building not just through traditional trainings but through a committed and sustained partnership which includes more secure longer/multi-year funding without gaps and less cumbersome reporting procedures to allow local NGOs to build capacity and increase staff retention.
- UNHCR should expand its formal partnerships with local NGOs including faith-based organizations and those working in urban areas and develop contingency plans to ensure that during times of crisis persons of concern to UNHCR are able to access protection and assistance.

### ***Stateless persons, Urban refugees and IDPs***

- UNHCR should more actively engage with a broader range of NGOs working on issues of statelessness in order to support improved data collection and sustained advocacy with States to take action on statelessness, including acceding to conventions and reforming nationality laws.
- Effective programming in urban areas requires new approaches and new partnerships with local authorities and local civil society. A common platform should be developed to facilitate the sharing of effective tools and strategies. Because many urban refugees live among the urban poor, protection space may be expanded if programs are designed to benefit both populations. UNHCR and other humanitarian actors should not develop parallel assistance structures but should build on what exists.

- UNHCR and NGOs should promote and use the IASC Framework on Durable Solutions for IDPs and advocate that governments and development organizations include durable solutions for IDPs as part of their development objectives.

#### ***Alternatives to detention and Resettlement***

- UNHCR should continue to facilitate and work with civil society through international and regional roundtables on alternatives to detention; develop new guidelines on detention that incorporate screening, case management and access to legal support; and encourage States to commit to exploring and implementing alternatives to detention as part of this year's pledging process.
- Given its importance as a protection tool and durable solution, resettlement should be included on the agenda of the Consultations each year.

### **OPENING PLENARY SESSION**

#### **Remarks from the Panel**

The Director of the Division of External Relations welcomed the refugee and internally displaced women participating for the first time. She emphasized the strength and importance of UNHCR's NGO partnerships and thanked all those in the NGO community for their help organising the women's dialogues. Partnerships are critical for UNHCR as partner organizations bring particular expertise that is indispensable. In the past year UNHCR has given US\$544 million to 700 NGOs and signed over 1,000 agreements with NGOs. The Consultations provide an important opportunity to further strengthen existing partnerships and for NGOs in 'deep field' contexts to have discussions at the Geneva level.

The Senior Policy Officer of the International Council of Voluntary Agencies (ICVA) described the theme of this year's Consultations as providing an important opportunity to take stock of what has been accomplished in the past 60 years, to reflect on the complexities of the work in which UNHCR and NGOs are engaged and to review ways in which to expand and strengthen operational and policy relationships in the years to come. NGOs were encouraged to work closely with their governments to support the State pledging process in the lead up to the December Ministerial meeting.

The representative of Afrique Secours et Assistance (Cote d'Ivoire) shared a number of sobering insights relating to the challenges of protecting civilians during the humanitarian crisis in Cote d'Ivoire. In this conflict over 3,000 civilians were killed and 322,000 internally displaced, with over 65% of whom were children. The challenges in accessing the civilian populations, the slowness of the response and the difficulty in mobilising resources have all raised serious questions about the commitment of the international community. It has also emphasised the critical importance of UNHCR and other humanitarian actors separating political and humanitarian mandates.

The High Commissioner provided a powerful and comprehensive overview of many of the urgent challenges facing UNHCR and its NGO and community partners. These included the impacts of the diminishing humanitarian and asylum space. In his words "*we live in challenging times in a dangerous world*" – with old crises still not resolved and new, and often unexpected, crises increasing both the number of those displaced

and the protracted nature of that displacement. He highlighted the importance of finding responses to the new ways in which people are forced to move and who are not covered by the 1951 Convention: in particular, those impacted by today's mega trends of population growth, urbanization, food and water insecurity and climate change.

### **Discussions**

Questions directed to the High Commissioner highlighted many of the urgent and pressing concerns shared by participants throughout the Consultations. A statement was presented signed by many civil society actors in Australia, urging UNHCR to oppose a proposal by Australia, a 1951 Convention signatory, to send asylum-seekers to a non-signatory state, Malaysia, an action which contravenes the human rights of refugees.

Refugee and internally displaced women spoke out courageously about widespread rape and other forms of sexual and gender-based violence that pervades their lives and the lives of their communities and they urged action and an effective response from all. The scourge of SGBV and the lack of effective action remained a cross cutting theme throughout the Consultations. Urgent questions about the planned Cessation for Rwanda were raised; the importance of providing sustained funding and support to national NGOs; and the key role that UNHCR can play in supporting the efforts of refugee lawyers to maintain asylum space, in particular in South Africa. UNHCR was commended for the progress it had made in recognizing the particular protection problems of LGBTI refugee and was urged to do more.

In response to a statement from the refugee women focusing on the prevalence of SGBV and on inadequate access to education, the High Commissioner said that education has been relatively neglected in the recent past. As UNHCR has moved the Education Unit to the Division of International Protection, a new education strategy is being developed, continuing to focus on primary education, but with an additional focus on secondary education, vocational training and tertiary education. Recent priority in allocation of resources has been given to the health sector, and priority will now be given to education. However, UNHCR is not an education agency and will continue to work with NGOs and with state institutions to ensure that refugees have access to education where they live.

## **REGIONAL SESSIONS**

During the 17 regional and thematic sessions a broad range of issues were discussed and recommendations proposed. This year, several of the Regional Bureaux selected a key area of concern to focus their discussions.

### **Bureau for Europe**

The Bureau for Europe session explored ways to improve partnerships with national NGOs (NNGOs). The session emphasized the importance of the role NNGOs can play in transitioning from humanitarian to development activities in countries of operation. Partnerships serve to build civil society and to deliver humanitarian work. Such partnerships are key to ensuring the sustainability and longevity of programs once UNHCR leaves or reduces the scope of its programming. Challenges for NNGOs in

the delivery of programs include: the unpredictability of funding, involvement in planning, heavy reporting requirements, overstretching of their capacity to deal with numerous requests from international actors, the need to create real partnerships, support for capacity building and of adequate equipment, including for security. It is essential that partnerships are visible, built on long-term engagement and visions of national NGOs, and are underpinned by the core values of neutrality, impartiality, humanity and “do no harm”. The importance of involving refugee and IDP populations as active partners was also emphasized.

Having experience in supporting civil society and using international mechanisms, international NGOs (INGOs) have the advantage to be able to know what is going on at the international level; this knowledge is not accessible to all LNGOs. It is important to contribute to the knowledge of NNGOs related to Regional Legal Conventions. In Africa, the Kampala Convention and sponsoring civil society organization (CSO) events provide guidance to IDP protection. National NGOs take over projects and engage with governments on the ratification of the Convention. Training of trainers and NNGOs are important. UNHCR provides perspectives to national actors and NGOs on how to address different humanitarian situations. The fact that representatives from Africa and Asia also participated in the discussions of the Europe session underlined that the issues and concerns related to refugees and IDPs are very similar for different NNGOs.

***Recommendations:***

- The role of NNGOs must be recognized and funding and resource support for their work prioritized in light of their permanent presence in countries in which UNHCR operates.
- An effective partnership with local NGOs must comprise of strategic planning, resources and support from INGOs, funding and the establishment of refugee committees. A coalition of NGOs will give them a stronger voice in their advocacy and presentation of concerns. Practical suggestions are needed on how to foster more support for NNGOs.

**Bureau for Asia**

The Bureau for Asia session focused on the importance of partnerships in seeking solutions to the large number of protracted refugee situations across the region. Asia hosts the highest number of refugees globally and some of the oldest refugee situations. The situation of Afghan refugees in Pakistan and Iran, refugees from Bhutan in Nepal, Myanmarese refugees in Thailand, and Rohingya refugees in Bangladesh are the major protracted refugee situations in the region.

In **Pakistan and Iran**, efforts are being made to explore a broad-based solutions framework. Integral to this strategy is to enhance UNHCR’s support to the Governments of Iran and Pakistan, focusing on solutions for refugees at risk and enhancing the prospects of coexistence with communities in refugee-hosting areas through targeted interventions in health, education and livelihoods. **Nepal** is on track to finding durable solutions for all refugees. The refugee population in Nepal has decreased from 110,000 to 66,000 due to the large-scale resettlement. In addition the government-approved Camp Consolidation and Community Development in Refugee Hosting and Impacted Areas will pave the way for achieving local solutions to this protracted situation. The situation of Burmese refugees in camps in **Thailand** also

seems to be heading in the right direction. Thai authorities are showing greater flexibility and resolve to work with UNHCR to find effective solutions. The main concern is **Bangladesh**, where UNHCR is currently faced with a difficult situation, both with regard to the implementation of the UN Joint Initiative in Cox's Bazaar district as the Government of Bangladesh has suspended its implementation, as well as placed a halt on resettlement activities. The Rohingya refugees are forced into illegal trade and trafficking across the Myanmar border and are exploited by local businessmen. This results in the criminalization of Rohingyas.

***Recommendations:***

- The development of comprehensive broad-based solutions are critical to address protracted refugee situations. UNHCR and NGOs should work together to advocate for comprehensive solutions, involving a range of key State actors including host, donor and resettlement governments. These could include comprehensive approaches involving a mix of durable solutions, and community based approaches, with media and strategies to further build an international and national constituency of civil activists.
- Strengthened partnerships with civil society are key in the development of solutions to the protracted situations across the region.
- The development of improved livelihoods strategies by UNHCR and NGOs and targeted efforts to support girls' access to, and completion of school, were also identified as crucial aspects of responding to some of the endemic protection risks.

**Bureau for MENA**

The Bureau for MENA highlighted the lead role that civil society is taking in shaping the Middle East and North Africa which is currently experiencing a period of unprecedented political, social and security challenges. This situation has also impacted significantly on humanitarian operations in the respective countries where the vulnerable are becoming even more vulnerable. However, as a result of current changes there are also opportunities to improve the protection of, and assistance provided to, displaced persons. This does not necessarily mean accessions to international instruments, but more importantly showing improvements in practice. For example, UNHCR signed a cooperation agreement with the Government of Tunisia on 18 July 2011. The tremendous generosity and solidarity of the people and Government of Tunisia in keeping their borders open as half a million people fled Libya was also noted.

The critical importance of LNGOs was highlighted, in particular their capacity to remain in touch with displaced people, to deliver urgent assistance, to provide protection and to monitor human rights. The challenges of UNHCR maintaining contact with refugees during urban conflict was discussed as well as the importance of planning to prevent a repeat of what had occurred in Egypt when refugees in crisis were unable to reach UNHCR, during the recent civil unrest. Discussions also explored some of the key protection and assistance challenges for refugees in Tunisia. These included the poor conditions in camps where the refugee populations face extreme heat, limited water supply, appalling health conditions and where women face extreme levels of insecurity and ongoing risks of SGBV. Discussions included questions relating to ways in which the protection capacities of host families and host communities might be strengthened during crisis situations. The need for improved



coordination between multiple actors, and the importance of building the capacity of local actors without including those without humanitarian experience was also highlighted. Much more programming and more effective responses were also required to respond to women and children survivors of violence, to provide rehabilitation support and access to sustainable economic opportunities.

***Recommendations:***

- UNHCR should expand its formal partnerships with LNGOs in urban areas and develop contingency plans to ensure that during times of crisis and civil unrest persons of concern to UNHCR are able to access protection and assistance.
- MENA region is currently experiencing a period of unprecedented political, social and security challenges. However, as a result of current changes there are also some opportunities to improve the protection and assistance of displaced persons. UNHCR, with its partners, should continue to work with host governments in the region to take full advantage of these emerging opportunities.

**Bureau for Africa**

The planned Cessation for Rwandese refugees was one of the major focuses of this session. NGO and refugee participants emphasized the urgency of providing information to all stakeholders concerned about the Road Map and timelines so that the refugees and agencies concerned are better placed to know what is happening and to plan for the future. UNHCR assured participants that the cessation strategy would not apply to those refugees who are still in need of protection.

UNHCR was called upon to play a more visible role in advocating for and ensuring the protection of displaced civilians in Southern Sudan. The continued failure of the UN security forces to provide protection means that some 100,000 people in South Kordofan face daily risks of targeted attacks and bombings and are cut off from any form of humanitarian assistance. The need to have meaningful pledges to be made on the Statelessness Convention, more accessions and participation by governments in the Statelessness Convention and the Refugee Convention, and the urgency to address the budget shortfalls were also discussed. There is need to start infusing refugee issues into the African Union sessions and NGOs and UNHCR should play a role in advocating for the inclusion of such issues. In considering the resettlement of Somali refugees, stakeholders at government and local community level should be consulted and should buy-in into the concept to ensure the realization of the protection objective.

In relation to refugee status determination (RSD), greater collaboration is sought between UNHCR and NGOs to ensure access to legal advice and support. The particular problems and risks facing LGBTI refugees were discussed as well as the need to build the awareness and capacity of UNHCR staff to respond. A number of issues relating to program budgets and management were also discussed. These included the importance of sustained efforts on the part of UNHCR and NGOs to work to close the gap between the budgetary needs for program and the actual funds available for program implementation. In particular there is a need to ensure that the educational fund for refugee children at secondary and tertiary levels is increased so that refugees can adequately access education even at tertiary level.

***Recommendations:***

- UNHCR should communicate to all stakeholders concerning the Road Map and timelines on the Cessation Strategy for Rwanda so that stakeholders, such as NGOs and the refugees concerned, are better placed to know what is happening and to plan for the future.
- There is need to create real space for the LGTBI refugee group, culturally and legally. In the meantime, UNHCR should build the capacity of its staff by creating awareness and sensitivity when handling LGTBI refugees.
- UNHCR should continue to lobby for the protection of civilians and its people of concern in Sudan even after the 9 July 2011 deadline, as there is a likelihood that conflict will continue between North and South Sudan. Lobbying by UNHCR for the protection of civilians and people of concern as well as for the creation of protection space should continue to be done through the UN Secretary-General's Special Envoy for Sudan.
- UNHCR should consider funding refugee programs for longer periods so that there is some form of continuity in planning and implementation. UNHCR should revise the reporting format especially for programs that are not in the camp setting. NGOs should strive to meet 100% compliance with the audit and financial compliance requirements.

**Bureau for the Americas**

The Bureau for the Americas explored past achievements and current challenges in the local integration of displaced women. The panellists explored challenges faced by refugee women and discussed good practices across three different displacement contexts: among asylum seeking and resettled women in the USA, refugee women in Ecuador, and IDP women in Colombia. In each case the pervasive risks of rape and sexual violence characterized women's experiences in their quests for protection and safety. The lack of access to safe livelihoods was identified as one of the major issues which compounded risks. This was enriched by the lived experience of the two IDP women who had participated in the Women's Dialogue held in Colombia. Speakers urged that the high prevalence of SGBV not be treated as business as usual and that safeguards needed to be urgently enacted and psychosocial and legal support provided. Specific challenges to women's displacement are not individual problems but problems that need a specific attention, especially in the recovery and integration phase.

***Recommendations:***

- UNHCR and partners should support regular participatory dialogues in order to listen to the needs and aspirations and to involve women in developing concrete and viable solutions to some of the practical and structural challenges they face during displacement.
- Special and measurable efforts to ensure livelihoods for displaced women should be adequate, equitable and sustainable, and should aim at ensuring economic and social safety, fostering integration and should take into account the needs and vulnerabilities of women, especially of those who are single-heads of household.
- In order to foster the integration of displaced women, particularity in urban contexts, empowering projects, vocational trainings, small business supports and other activities should benefit the refugee as well as the local population,

## **THEMATIC SESSIONS**

### **Strengthening protection: The role of faith-based organizations (FBOs)**

This session explored the challenges faced by national FBOs, their unique strengths and protection potential, and how INGOs, UNHCR and national FBOs can maximize their collective field-level protection efforts. It examined FBO contributions to protection, their potential, and the prospects for developing strategic protection partnerships with FBOs. During the session, NGOs recognized the importance that faith plays in the lives of conflict and disaster affected communities, and the role and influence of faith communities and faith based organizations in protection. Faith helps people cope with trauma; it validates their humanity; informs their decisions and offers guidance, compassion, consolation and hope. Participants acknowledged that FBOs - while incredibly varied - have particular strengths and challenges unique to their protection work and a unique legitimacy to negotiate humanitarian access and engage in mediation and peace building. Participants also acknowledged differences when working as an FBO in the majority or minority faith. There was also discussion of the perception and/or misperception that FBOs link assistance to religious activities in a discriminatory way or proselytize and pursue 'hidden agendas'. Some FBOs may face obstacles in addressing issues such as HIV/AIDS, SGBV, and LGBTI rights. UNHCR recognized the unique protection strengths and challenges of FBOs, and expressed willingness to work more closely with FBOs and other stakeholders with the overall aim to lift obstacles and improve partnerships in line with humanitarian principles. The UNHCR Assistant High Commissioner for Operations took note of the recommendations of FBOs and stated that they would need review; some might be taken on; some might have issues which need to be resolved; FBOs are important because they are also national partners.

#### ***Recommendations:***

- UNHCR's Policy Development and Evaluation Service review the role of FBOs in protection in order to develop a more concrete understanding within UNHCR and the wider humanitarian community of their protection strengths and challenges in complex and insecure environments.
- UNHCR develop a Strategic Framework for Engagement with FBOs in consultation with FBOs and other stakeholders, which a) recognizes the unique protection strengths and challenges of FBOs; b) the need for an institutional approach to partnership rather than a project-based approach; c); draws on the knowledge and experience of a wide range of FBOs and other stakeholders; d) draws on the example set by UNFPA and UNAIDS in developing strategic frameworks for engaging and partnering with FBOs, and e) links to wider efforts to improve UNHCR partnerships with national NGOs.

#### **Discussions on the 2010 Recommendations**

As follow-up from last year's recommendations on reducing xenophobia and bias against refugees, UNHCR presented the "one" media campaign launched on World Refugee Day (20 June 2011). Participants saw the value of the campaign's clear

messaging and the attention it raised on refugee issues in the public domain. However, some participants noted that some of UNHCR's operations and approaches in different countries had yet to match the messaging of the campaign. UNHCR agreed that in some cases, there was still work to be done in order to achieve the intended messages and goals of the campaign.

The rest of the session explored ways in which to increase the effectiveness of the outcomes of the Annual Consultations. A range of strategies were discussed, which included improved training and orientation for NGO delegates, reporting and follow up.

***Recommendations:***

- Conduct a more comprehensive orientation and training session for NGO representatives attending the Consultations for the first time and sustained follow-up by ICVA, NGOs and UNHCR.
- The formulation of a small number of clear and actionable recommendations from each session and a small number of overall conclusions.
- NGOs should take a more active role in lobbying governments to put priority issues on the Standing Committee work plan at their December planning meeting, to allow follow-up through NGO statements.

**Partnerships for futures: Addressing statelessness among children and youth**

Statelessness is a major child protection concern. Risks to stateless children include trafficking, lack of access to health care and education, exploitation, child labour and debt bondage. There are particular risks for specific groups, such as brides recruited for money in Asia, kidnapping and trafficking of children in West Africa, and growing numbers of stateless of Haitian descent in the Caribbean. There is also a strong link between statelessness and migration, with many children in a situation of triple jeopardy – being young, stateless and a migrant.

Birth registration is an essential element to protect a child's rights, but nationality is acquired independently of birth registration. There is a need to draw on a broad range of human rights and other legal instruments to achieve rights for stateless children and there are examples of litigation being effectively used to advance the rights of stateless children. Such action requires that more NGOs get actively involved in statelessness, including a range of actors such as child-focused and operational NGOs and UNHCR.

Legal recognition of statelessness has assisted some to access limited rights, but there is a very low level of resettlement available for stateless people, which is a necessary solution in some countries where the alternative is detention.

***Recommendations:***

- UNHCR should more actively engage with a broader range of NGOs working on issues of statelessness.
- UNHCR and NGOs should utilize instruments that already exist to press for advances on statelessness, e.g. human rights treaties, statelessness conventions, and human rights bodies. These efforts should include statelessness status determination leading to full the range of human rights, including travel documents.

- UNHCR and NGOs should press States to take action on statelessness, including acceding to conventions and reforming nationality laws.
- UNHCR should increase its efforts to gather more accurate data and map stateless populations.

### **Cityscape: Taking stock of new initiatives in response to urban refugees**

This session reviewed some of the achievements to date and identified gaps in implementing UNHCR's new urban refugee policy. The importance of seeking new and non-traditional partners was emphasized in addition to the need for UNHCR and existing partners to dramatically revise their approaches to refugee protection in urban areas, including by working with poor host populations and refugees. UNHCR has piloted new policy guidance criteria in a number of sites including Costa Rica, Kuala Lumpur and Nairobi, and reports can be found on UNHCR's website.

We were reminded that urban refugees face a very particular set of protection and documentation challenges that can limit their access to rights and services. Women and girls face severe protection challenges, especially if they are not able to work legally, including sexual abuse and exploitation in the workplace or being forced into survival sex.

### ***Recommendations:***

- Effective programming requires new thinking, new approaches and new partnerships with local authorities, local civil society, media, churches, mosques and community organizations. Because many urban refugees live among the urban poor, protection space may be expanded if programs are designed to benefit both populations. Humanitarians should not develop parallel assistance structures in urban areas but should build on what exists, such as local school systems and health services. This also includes affirmative engagement with organizations working with the urban poor to integrate refugees into their development programs.
- Creative outreach efforts are required to identify refugees in urban areas and ensure that those who wish to access services can do so. One must go where the refugees are, and not wait for refugees to come to UNHCR or other partners.
- A common platform should be developed to facilitate the sharing of effective tools and strategies for work with urban refugees. Implementing organizations need to understand and take advantage of new technologies that can support more effective urban programming.

### **The multi functional team & results based management: Make it work**

The importance of viewing results based management (RBM) as an approach to guide us towards an objective rather than just a prescriptive tool was the emphasis of this session. With the RBM still in its infancy, various challenges were discussed including the understanding that not everything can be effectively captured by reducing all items to numbers. Other methods such as qualitative feedback and consulting further with communities using action-based research could be used to ensure more effective data collection on which sustainable and long-term decisions and planning could be made.

The motto of this year is simplification: that is reviewing and upgrading the software; publishing guidelines; consulting to make RBM simpler and more relevant; ensuring adequate and appropriate training is provided to UNHCR and implementing partners; and eventually getting all people involved with RBM, including the refugee and displaced communities. To ensure we are not complicit in creating and maintaining a service that will fail the communities with whom we work, the individual recommendations highlight real, long term and sustainable capacity development through real collaboration. Recommendations emphasized the importance of sharing good practices, contextualizing RBM and of defining the costs of proximity through partnership (PTP)/remote management (insurance, evacuation of staff, and institutional core support costs beyond individual projects).

***Recommendations:***

- UNHCR should compile and share best practices, in particular those which employ a range of complementary data collection systems and tools, as well as differences in specialization and expertise.
- UNHCR and NGOs should advocate with donors to better understand and support PTP (e.g. working through and supporting/developing local partners, and using local partners for monitoring). This should include capacity building not just through traditional trainings but through a committed and sustained partnership which includes more secure longer/multi-year funding without gaps to allow local NGOs to build capacity and increase staff retention.
- UNHCR and INGOs should address the issue of high staff turnover in their operations that results in a loss of strategic consistency and undermines relationships with local interlocutors.

**Overcoming barriers: Strategies for the robust and effective use of resettlement as a protection tool**

The session outcomes highlighted the huge gap between the number of people who need resettlement and the places available. Although there has been a pledge to reduce this gap, the number of available resettlement places relative to need have reduced over recent years. NGOs underlined their role as strategic partners, the current adverse political climate and waning societal support for resettlement, the delays in processing and increasingly clogged pipelines, the need to bring in the refugee voices, the lack of State interest to consider resettlement as a responsibility-sharing tool, the States' emphasis on the potential for integration of resettled refugees rather than focus on protection needs and vulnerabilities, the impact of national security considerations on resettlement processing. There was discussion about the lack of knowledge many people have about refugees, the current economic climate, and rising xenophobia that all present challenges to refugee advocacy for increased resettlement. The importance was highlighted of NGOs working in coalitions to bring different constituencies together in order to advocate strongly for refugee protection, to ensure that the refugee voice is included in advocacy efforts, and to use the media to develop positive messages about refugees.

Additional issues discussed across a number of breakout sessions, included NGO involvement in identification and referrals; NGO-UNHCR cooperation in preparing referrals; delays in the processing of emergency submissions; deficient best interest determination (BID) capacity in UNHCR; challenges to medical resettlement and the use of Medical Assessment Forms (MAFs); and the need for a clearer focus on

resettlement of LGBTI cases. It was identified as important that States, NGOs and UNHCR collect good data about the long-term benefits of refugee resettlement. Success stories should be promoted, and non-traditional partnerships with NGOs to also work in identifying and referring refugees for resettlement should be encouraged and sustained.

***Recommendations:***

- It is important during advocacy efforts to engage diverse partners, including municipalities, civil society, refugees, businesses, and religious leaders. Bringing the voices of refugees and volunteers to light through public education campaigns is also important. States, NGOs and UNHCR should collect good data about the long-term benefits of refugee resettlement and promote success stories. The media should also be used creatively as an advocacy tool to develop positive messages about refugees.
- There should be an increased focus on resettlement in the agenda of the Annual Consultations with NGOs.
- UNHCR is encouraged to work directly with a wider range of NGOs in the area of resettlement referrals and to ensure that they are provided consistent feedback on a regular basis.

**More alternatives than detention**

The key messages from this session were that detention does not deter and that there are alternatives to immigration detention. There has been a growing focus on detention over the past several years. Research shows that refugees and asylum-seekers have a low risk of absconding; that detention does not deter asylum-seekers or irregular migrants; and that there are effective and humane alternatives to immigration detention. However there has been little practical or systemic guidance to States on how to ensure that detention is a last resort. There are mechanisms to prevent detention and to manage people within the community, and the International Detention Coalition (IDC) has designed a community assessment and placement (CAP) model that looks at how to ensure detention can be a last resort. Models of successful alternatives to detention include screening, case management and legal advice. Detention alternatives cost significantly less, avoid the significant and long term human costs of detention, and have compliance rates averaging 90%, and high voluntary return rates, noted in both the IDC and UNHCR research.

***Recommendations:***

- UNHCR to continue to facilitate and work with civil society on international and regional roundtables on alternatives to detention. NGOs and civil society to advocate on making detention a priority for governments, using available evidence to advocate for detention to be used only as a last resort.
- UNHCR to develop new guidelines on detention as a matter of urgency, taking account of the significant research available on alternatives to detention that incorporate screening, case management and access to legal support.
- States to commit to exploring and implementing alternatives to detention in this year's pledging process.

**Commemorations: A dialogue with refugee women, NGOs and UNHCR**

In a challenging and confronting conversation facilitated by Assistant High Commissioner for Protection, Erika Feller, 10 refugee and internally displaced women

from eight different countries shared their experiences and the harsh reality of their lives in refugee camps and urban sites. Women described the impacts of lack of documentation, overcrowded and unhealthy shelter, poor quality health services, the lack of educational opportunities, unsafe and poor quality schools, barriers to women in leadership positions, lack of access to legal remedies for crimes committed against them, and the horrendous impacts of lack of sanitary materials. The overwhelming and cross cutting theme was that of rape and other forms of sexual and gender-based violence, which was both an outcome of these protection failures and also causes of additional protection risks, such as the necessity to engage in survival sex. The women all requested that they be consulted and included in decision making about their lives and be active partners in solutions to their problems. Ms Feller commented that the dialogues had been a salutary lesson about our collective failure to address these issues over the past decade.

***Recommendations:***

- UNHCR and NGOs introduce strong policies and guidelines for the meaningful participation of refugee women and girls in all levels of consultation and decision-making in all areas of their lives. These measures should be monitored and strict accountability measures be taken to ensure their full and effective implementation. Women themselves should have an active role in this monitoring.
- Actions should be identified by UNHCR and the NGO community to respond to problems identified by the women in each of the protection areas discussed in the dialogues. This must include the availability of properly resourced, comprehensive and holistic services being made available for victims of rape and other forms of sexual and gender-based violence in all refugee sites. A follow-up meeting should be held at the Annual Consultations with NGOs in 2012 to report on the implementation and outcomes of these actions.
- Strategies for working with men should be developed and implemented in all refugee and displacement sites by the relevant actors as a matter of urgency to reduce the incidence of violence and to include them as active partners in the protection of women, girls and boys from all forms of violence, including SGBV.

**Pinheiro into action: Challenges and ways forward in housing, land and property rights – Enhancing partnerships**

The session's objective was to discuss and explore issues and challenges related to housing, land and property (HLP) rights and restitution, including best practices, with a specific focus on the situation in Colombia.

Colombia provides a good case study showing that there can be windows of opportunity for the implementation of durable solutions, including HLP policies, notwithstanding continued violence and conflict, as illustrated by the recent adoption of the law on victims and land restitution. In such situations, it is essential, however, to ensure that the persistence of conflict and violence is recognized and adequate protection continues for its victims and persons at risk. More specifically the necessity to assess and implement adequate responses to protection risks linked to the implementation of the law on restitution was highlighted. Also emphasized was the importance of ensuring that such law is part of a broader durable solutions framework that not only guarantees protection, but also provides income generation and access to



services to those who return to land restituted to them. Furthermore, it was noted that restitution processes must be consistent with agrarian reform that follows objectives of social justice.

In devising HLP policies as part of durable solutions processes, the importance of the adoption of the Pinheiro Principles was underscored, as they address restitution regardless of the cause of displacement, and provide a coherent framework to address property disputes that rests on key human rights principles. The Pinheiro Principles may offer useful guidance where restitution processes are put in place to redress HLP violations, and in such situations the capacity of authorities may be enhanced by integrating the Pinheiro Principles in the legislative framework. The limitation of the Pinheiro Principles, however, is that they deal only with restitution, which should not be regarded as the only option but be a part of a comprehensive approach to address HLP concerns. In other words, restitution alone is not a solution; it needs to be integrated in a broader strategy for effective and sustainable durable solutions and may not be appropriate in certain cases, in particular where unequal access to land was one of the causes of displacement. Because restitution only allows a return to the status quo ante, it does not address the structural causes of HLP tensions.

#### Recommendations:

- Programmes addressing land disputes should promote non-discriminatory access to land and tenure security to owners, tenants and the landless with a focus on groups at risk. Such programmes can include restitution and compensation measures as well as land allocation scheme or even agrarian reform.
- Victims, grass-root organization leaders, and vulnerable and exposed populations must be involved in deciding on appropriate remedies for HLP violations.
- Civil society movements that provide political forums that focus on protection, particularly in regions where compensation has not been provided, have an essential role to play and should be supported by the international community.
- The Pinheiro Principles should, where relevant, be implemented at the national level and included in national legislation to enhance the capacity of States and communities to confront the impacts of war and disaster on HLP relations and assume their responsibilities. Institutions, especially local institutions, must be strengthened.

The following recommendations can be made for Colombia:

- Potential protection risks linked to the implementation of the law on victims and land restitution in Colombia need to be identified and responded to.
- The implementation of the law must be in line with wider durable solutions policies (particularly as regards security, income generation and access to services) as well as agrarian reform and social justice objectives.
- The persistence of conflict and violence needs to be acknowledged and adequate protection interventions need to be in place. International organizations, including UNHCR, need to continue or upgrade as necessary their protection work alongside efforts towards durable solutions.

### **Sudan: Partnerships for protection**

The session discussion aimed to develop a set of recommendations relating to ways in which partnerships can enhance the protection of people of concern to UNHCR in Sudan. The strength of the multiple partnerships amongst the groups was discussed and more partners were encouraged to work in South Sudan. Protection partnerships in South Sudan are a source of innovation and many good practices have emerged, also in the context of the cluster approach. There are concerns that returns from the North will accelerate after 9 July 2011 which may pose further strain on the absorptive capacity in South Sudan. The urgency of an increased protection focus in South Sudan, including a strong focus on protection from statelessness was underscored. This concern is highlighted by the fact that there are approximately 1 million people still in Khartoum. Another major concern is that those Southerners who opt not to return may be denied nationality in Sudan and could therefore be at risk of becoming stateless.

#### ***Recommendations:***

- It is essential that a strong and increased protection response, which includes a particular focus on the prevention of statelessness, be implemented in South Sudan.
- Additional funding and an increased skilled NGO presence is urgently required in South Sudan, especially in support of national NGOs and the emerging civil society.

### **Commemorations: Overview and role of NGOs**

This session provided an update on the commemorations and preparations for the December 2011 ministerial-level meeting and explored ways in which NGOs could become involved, particularly through the State pledging process. It was emphasized that the ministerial-level meeting will provide a critical opportunity to gain commitment from States to take action to address new and ongoing protection challenges, including those specifically affecting women and girls. During the discussion, participants identified a range of ways in which NGOs could influence the State pledging process, and also discussed the opportunity that this meeting could provide for NGOs to make their own pledges.

#### ***Recommendation:***

- UNHCR and NGOs at the country level are encouraged to work together with States in a participatory process to advocate for and develop pledges, and to undertake their own follow-up once pledges have been made.

### **The struggle to reach durable solutions for IDPs**

The session explored policies and practice, which support local integration when return is not an option. This included a discussion of the use of the *Framework on Durable Solutions for Internally Displaced Persons* as an advocacy and monitoring tool in the search for durable solutions for IDPs. While promoting local integration as an option, efforts must also be made to support national policies and practices that protect IDPs, regardless of whether it is return, local integration or settlement elsewhere. This should include an increased emphasis on the protection of IDP rights, including access to livelihoods and employment options, civil documentation, housing, land, property, etc.

Further efforts need to be made to promote and use the *IASC Framework on Durable Solutions for IDPs* and advocate that governments and development organizations include durable solutions for IDPs as part of their development objectives. Governments must be assisted to build their capacities to address IDP issues, including the creation of country-specific national frameworks for durable solutions. This could also include providing support to both IDP populations, as well as the host communities. There is also a need for more systematic data collection and IDP profiling. A number of good practices in different country contexts was also shared such as IDP profiling; participatory approaches and consultative processes (like in Georgia and Serbia); the inter-sectoral approach and active involvement of civil society in the development of the IDP Policy in Kenya; and promoting the caring culture of people in addressing issues of IDPs in Yemen.

***Recommendations:***

- UNHCR and NGOs should advocate that governments and development organizations include durable solutions for IDPs as part of their development objectives.
- UNHCR and NGOs should promote and use the *IASC Framework on Durable Solutions for IDPs*.
- UNHCR and NGOs should lobby States to take a rights based approach to IDPs in all interventions and response, including in reconstruction initiatives, livelihoods and education.

**CLOSING PLENARY SESSION**

The Assistant High Commissioner for Protection responded to a number of the concerns that had been raised by the NGOs and refugee and internally displaced women during the Consultations. She thanked the refugee and internally displaced women for sharing the experiences that have marked their lives and the NGOs for their diverse and important contributions. She recognized that sexual and gender-based violence had been raised as a very important issue and that a number of important recommendations for addressing these had been put forward, including the creation of a position similar to that of a Special Rapporteur.

The Assistant High Commissioner for Operations reiterated the critical role that NGOs play both in implementing and developing programs. She emphasized the importance of the results-based management framework in order to ensure that programs are implemented in ways that are both cost effective and make impacts which can be measured. She acknowledged that this was sometimes a complex and heavy process and that as a result UNHCR was currently engaged in seeking to simplify some of its systems based on feedback from NGO partners.

The Assistant High Commissioner for Operations addressed the importance of finding concrete ways to build the capacity of NNGOs and of UNHCR staff in order to maximize the comparative advantages of NNGOs through more effective partnerships. New models for confronting challenging environments, such as standby arrangements with national partners in emergency response might also be considered. She also highlighted the importance of FBOs as national partners and thanked them for their efforts in the field and during the Consultations.

NGOs were encouraged to expand and continue their engagement with UNHCR in other forums including through the NGO statements to the Standing Committee and Executive Committee, as well as to continue to work closely with their UNHCR offices on the ground.