



Report

on the Annual Consultations with
Non-Governmental-Organizations

3 - 5 July 2012

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REPORT ON UNHCR'S ANNUAL CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

3-5 JULY 2012 - GENEVA, SWITZERLAND

Abstract

This report provides highlights of the Annual Consultations with NGOs, which this year brought together some 391 representatives from around the world, representing 233 different NGOs, UN and international organizations from 83 different countries, of which 117 of these NGOs were national NGOs and 104 were International NGOs.

The Consultations were opened by the Deputy High Commissioner and three National NGOs and featured eight Thematic Sessions and five Regional Sessions with the active involvement of some 60 resource persons from NGOs, academia and international and UN organizations. Participating NGOs also had space to organize five side-meetings. The thematic sessions addressed were:

- Resettlement – *Climate Change: People on the Move* – Information Management Symposium: Strengthening Information in Humanitarian Response – *Strategic Litigation, Refugee Legal Representation and Advocacy: Pathways to Protection, Durable Solutions and Refugee Rights* – No nationality, no rights? Strategies and tools for the protection of stateless persons – *Operational Focus: Implementing partnership – A Framework for establishing and maintaining UNHCR partnerships* – Marginalization and Social Exclusion of Particular Refugee Populations – *Redefining protection for children in emergencies*•

The sessions adopted a round-table format and group discussions to promote greater dialogue and contact among participants. The reports of each session were prepared by the mini-rapporteurs with the aim to capture the main points of discussion and any conclusions reached. The High Commissioner closed the NGO Consultations.

Included in annex to this report are the Annual Consultations agenda, a list of participants, a list of side-meetings held during the Consultations and a summary of the evaluations from the participants.

The full report may also be accessed at www.unhcr.org/ngo-consultations and www.icva.ch.

Prepared with the assistance of resource persons from the following organizations:

ACAPS – *ACTED* - Adult Multicultural Education Services – *Afghan Public Welfare Organization* - Africa Humanitarian Action – *Asia Pacific Refugee Rights Network* - Asylum Access – *Asylum Aid* - Botswana Red Cross – *CARE* - Caritas Lebanon - *Catholic Office for Emergency Relief and Refugees* – Community and Family Services International - *Confederation of Voluntary Associations* – Consultoria para los Derechos Humanos y el Desplazamiento - *Egyptian Foundation for Refugee Rights* – Equal Rights Trust – *European Council on Refugees and Exiles* - Greek Council for Refugees - *Hebrew Immigrant Aid Society* – Human Rights First – *Humanitarian Forum* - ICT4Peace Foundation - *InterAction* - International Catholic Migration Commission – *International Committee of the Red Cross* -- International Detention Coalition - *International Rescue Committee* – Italian Council for Refugees - *Jordan Health Aid Society* - Kenya Red Cross – *Lawyers for Human Rights* - Libyan Humanitarian Relief Agency – *Minority Rights Group International* - National Council of Churches Kenya – *Norwegian Refugee Council* – OFADEC – *Open Society Justice Initiative* – Organization for Refugee, Asylum and Migration - *OXFAM* – Plan International - *Praxis* - RefugePoint - *Refugee Council of Australia* – Refugee Council USA – *Refugee Law Project* - Refugees International - *Sudan Health Association* - Tunisian Red Crescent Society – *US Committee for Refugees and Immigrants* - US Conference of Catholic Bishops - *Women's International League for Peace and Freedom* - Women's Refugee Commission - *World Wild Life Fund* - Tunisian Red Crescent Society

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

NGO RAPPORTEUR'S REPORT FROM PAGES 5 to 18 AS FOLLOWS:

| | |
|-------------------|-------|
| ABSTRACT | 6 |
| OPENING SESSION | 7 |
| THEMATIC SESSIONS | 7-13 |
| REGIONAL SESSIONS | 13-17 |
| CLOSING SESSION | 17-18 |

ANNEXES

- I. Programme of the Annual Consultations with Non-Governmental Organizations
- II. Agenda of Side meetings at the Annual Consultations with NGOs
- III. Evaluation of the 2012 Annual Consultations with NGOs
- IV. List of participants by organization

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- The some 62 persons from approximately 54 organizations who served as speakers, moderators and rapporteurs.

**UNHCR's Annual Consultations with
NGOS
3 – 5 JULY 2012**

Rapporteur's Report

On behalf of NGOs:
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Coordinator
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Abstract

This report provides highlights of UNHCR's Annual Consultations with NGOs, which this year brought together some 391 representatives from around the world, representing 233 different NGOs, UN and international organisations from 83 different countries; 117 of the NGOs were national NGOs and 104 were international NGOs.

"Partnership in Focus" was the general concept for the 2012 UNHCR-NGO Consultations. The three days provided a platform for exchange of ideas, discussing emerging challenges, and strategies to better protect refugees across the globe. The growing interest in the Consultations was reflected in the record number of delegates this year.

The Consultations were opened by the Deputy High Commissioner and featured eight thematic sessions (p. 3) and five regional sessions (p. 9). Participating NGOs also had space to organise side-meetings.

The thematic sessions focused on: expanding the reach and effectiveness of resettlement (p. 3); climate change (p. 4); information management (p. 4); strategic litigation (p. 5); operational focus: implementing partnership (p. 6); marginalisation and social exclusion of particular refugee populations (p. 7); statelessness (p. 7); and redefining protection for refugee children (p. 8).

The five regional sessions: Africa, Asia, MENA, Americas and Europe are summarized from p. 9 to p. 12.

The sessions and the side sessions were well attended, generating a great deal of debate and deliberation. Understandably, the level of interaction in different sessions was not uniform, but in general the consultations were recognised as very successful in contributing towards greater collaboration and partnership.

In the closing session, the High Commissioner spoke about the strong belief he had in the centrality of civil society's role in increasing the sphere of protection for refugees and persons of concern. He also highlighted the reduced funding for UNHCR. He echoed civil society's concerns that unpredictable yearly funding was detrimental to service provision and increased protection. The partnership between NGOs and UNHCR is vital to advocate for the mobilisation of scarce resources and their best use.

Included in annex to this report are the Annual Consultations' agenda, a list of side-meetings held during the Consultations, a list of participants, and a summary of the evaluations from the participants.

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OPENING SESSION

At the opening plenary, UNHCR's Director of External Relations, pointed to the growing interest in the Consultations by NGOs, which was reflected in the record number of delegates this year. The need to make UNHCR-NGO partnerships more effective and meaningful was central to this year's Consultations. Tanya Wood of ICVA highlighted the importance of NGOs' follow-up on implementation of pledges made by States at the Ministerial meeting in December 2012. She underlined that UNHCR and partners need to work collectively to seek solutions to problems and the need to make effective use of these Consultations.

The Deputy High Commissioner (DHC) underlined the centrality of communication and messaging and how it impacts the populations we work with and serve. He highlighted that UNHCR and NGOs alike need to be mindful about the power of language and ensure that the language used is not disempowering to the people we work with.

The DHC noted two major themes that UNHCR is working on this year: innovation and self reliance. Innovation was described as the better use of technology and resources to promote learning amongst organisations. Self-reliance activities are being promoted in camps, urban, and resettlement contexts to promote livelihoods and value refugee's aspirations. He urged NGOs to share their innovative and self-reliance strategies with UNHCR, as UNHCR proposes to compile a report on innovative strategies as a way of sharing ideas.

Tahar Cheniti from the Tunisian Red Crescent, Ben Mendoza from the Catholic Office for Emergency Relief and Refugees in Thailand and Grace Muthungu from the National Council of Churches in Kenya showcased their organisations' long-standing relationships with UNHCR. Their speeches illustrated the rich and diverse partnerships in differing contexts.

NGO comments from the floor included many commending UNHCR for continuing to give prominence to the development of meaningful partnerships with NGOs, contributing to improving its policy, advocacy, and outreach.

THEMATIC SESSIONS

Refugee Resettlement: Expanding its reach and effectiveness through broader NGO participation

This session highlighted the different ways refugee protection and resettlement intersect as well as some of the issues and challenges. Specifically, the session highlighted how international and local NGOs can be involved with resettlement in a variety of ways, including the identification of refugees for resettlement and the provision of services to particularly vulnerable refugees in countries of first asylum. It was emphasised that the placements available for resettlement are very few, while the numbers of those in need of resettlement are growing. A call was made to existing resettlement States to increase their placements and encouraging new States to offer placements for resettlement.

Another problem that was identified was of long assessment processes. Last year 20,000 places were not filled largely due to extended processing methods, including security checks. It was also recognised that there were lengthy delays in resettlement processing, even for emergency and urgent cases, which can result in particularly vulnerable individuals remaining in situations of extreme risk for prolonged periods.

A strong connection between the needs of refugees in countries of first asylum and the challenges faced in their resettlement countries was also identified. Unfortunately, all too frequently, information about these needs in countries of first asylum as captured in the UNHCR resettlement referrals are not shared with resettlement service providers in resettlement countries.

RECOMMENDATIONS:

- Link the NGO Consultations with the Annual Tripartite Consultations on Resettlement (ATCR) in order to create opportunities for more NGOs to engage in resettlement discussions and better inform the ATCR discussions with diverse NGO opinions;
- Resettlement countries should increase the number of resettlement and emergency resettlement places each year and ensure these places are filled;
- Resettlement countries should provide funding to strengthen protection for refugees waiting for resettlement, notably vulnerable refugees in need of safe shelter;
- Resettlement should be used strategically in order to ensure that larger groups of refugees who cannot benefit from resettlement enjoy better integration opportunities and an improved protection climate in host countries;
- UNHCR and States should explore NGO sponsorship of resettled refugees;
- NGOs, UNHCR, and States should develop appropriate services to support settlement of individuals with special attention to women and girls at risk and lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in countries of first asylum and countries of resettlement; it is essential that refugees are engaged in developing and providing resettlement services as well as the creation of welcoming communities; and
- Information about the needs of refugees in countries of first asylum should be made available to service providers in countries of resettlement in order to ensure that tailored services are available to refugees upon arrival.

Climate Change

The session on climate change explored the nexus between migration, refugees, and climate-induced displacement. Whether or not it is climate change per se that triggers displacement may be a matter of academic debate; however, its effects, such as increased intensity of natural disasters and environmental degradation, are clear. Moving is a last resort for already vulnerable populations, and once displaced, people become even more at risk of further displacement. The *Refugee Convention* is not capable of giving protection for all people impacted by climate-induced displacement. Protection in many situations is currently based on good will, but this is not enough. The challenge is to develop a normative protection framework and to encourage development of strong national protection for internal displacement. Development of soft law and the Nansen initiative are seen as effective strategies to achieve a better protection framework. Disaster risk reduction strategies are also needed, while recognising that these are not yet mainstreamed within UNHCR.

RECOMMENDATIONS:

- NGOs and UNHCR to work with States to support people displaced by climate change, especially where protection derives only from good will of the host nation and not from a national or international protection framework;
- Define and identify causes of displacement, and how people displaced by climate change fit into UNHCR's mandate;
- Develop a legal protection framework for people displaced by climate change;
- Need for resource allocations for studies to understand and mitigate climate induced displacement;
- Integrate knowledge and skills of women in responses to climate induced displacement;
- UNHCR should incorporate disaster risk management into its operational response;

- More collaboration with other actors including other UN and IGO bodies; and
- “Special Rapporteur” on climate change should be proposed.

Information Management Symposium: Strengthening information in humanitarian response

Visits to the interactive exhibit constituted the main part of the information management session. Participants visited nine "Information Stations" where the Assessment Capacities Project (ACAPS), UNHCR, ACTED, OCHA, CartONG, the Emergency Shelter Cluster, and the Joint Information Profiling Service (JIPS), showcased their information management tools, methodologies and strategies currently in use in the field. This provided the participants an opportunity to exchange ideas and knowledge in the area of information management and an occasion to explore new collaboration opportunities.

Through the discussions it was clear that technology has changed the way UNHCR works and will continue to play a greater role in the future. Many useful tools and ways in which NGOs and communities can use technology are available without necessarily having large capital outlays. It was obvious that the power of information lies in it being shared.

In a mobile data collection survey on information management needs, NGOs expressed that population figures and sectorial indicator data and gap analysis are the most important kind of information UNHCR is providing; they also identified the web portals and e-mail subscription as the preferred medium for information dissemination and called for faster dissemination and easier access of information.

However, some of the challenges identified included that most web platforms are in English, making it difficult for those speaking other languages to communicate effectively. It was also recognised that information-sharing between UNHCR and partner groups has to be improved.

RECOMMENDATIONS:

- NGOs and communities should adopt some of the useful tools outlined in the session that are free, easy to use and available in places with low bandwidth and limited resources;
- UNHCR should use web portals and e-mail for faster dissemination and easier access to information;
- UNHCR should provide increased technical guidance on information management;
- UNHCR's new Information Management Strategy 2012-2014 should place important emphasis on the needs identified in the survey during the session.

Strategic Litigation, Refugee Legal Representation and Advocacy: Pathways to protection, durable solutions and refugee rights

This session sought to enhance the understanding of the need for legal assistance and representation in both State as well as UNHCR Refugee Status Determination Procedures and by highlighting the underlying right and principle of (procedural) fairness. States' and UNHCR's responsibility to make the right decision when determining international protection needs may seem simple, but is actually extremely complex. A decision-maker or eligibility officer must assess credibility and perform a legal analysis while applying applicable legal standards, including under the *Refugee Convention*. Legal assistance and representation benefits the decision-maker or officer assessing claims, benefits the system by bringing forward the most vulnerable and urgent claims, and benefits applicants because they can trust that their full claim has been fairly adjudicated.

The session covered some examples of legal aid provision in Egypt, South Africa and Thailand, including the use of strategic litigation and other services for refugees with status. UNHCR is actively

considering judicial engagement, which is regarded as cooperation between lawyers and judges and is seen as an integral part of UNHCR's protection work.

Challenges with provision of legal services to refugees:

- Weak rule of law in many countries;
- Lack of awareness among refugees and asylum seekers about their rights;
- Security threats to lawyers; and
- Barriers to access clients, especially in detention contexts.

Challenges with UNHCR and State RSD processes

- Lack of compliance with procedural standards and guidelines;
- Attitudes towards lawyers and asylum seekers in the RSD process;
- Lack of formal mechanisms for review of UNHCR RSD decisions and ineffective state judicial review mechanisms;
- Poor quality State RSD processes with high rates of rejection; and
- Many organisations experience difficulty engaging quality local lawyers in their work.

RECOMMENDATIONS:

- UNHCR should provide ongoing training to UNHCR and government officers conducting RSD about procedural standards, handbooks and guidelines;
- Legal representatives should continue to monitor UNHCR compliance with RSD standards and hold UNHCR accountable by raising concerns with individual cases;
- There is a need for greater cooperation between UNHCR RSD officers and legal representatives to improve outcomes for the UNHCR, lawyers and asylum seekers;
- Increase opportunities for exchanges between legal services in the global north and south; and
- UNHCR and lawyers should work together to develop a strategy for UNHCR strategic litigation.

Operational Focus: Implementing Partnership – A Framework for establishing and maintaining UNHCR partnerships

Implementing partnerships are critical for protection and assisting refugees and persons of concern. UNHCR has established a support service for strengthening implementing partnerships – the Implementing Partnership Management Service (IPMS). One of the responsibilities of the service is to develop a new “UNHCR Framework for Implementation with Partners” (the Framework), based on UNHCR's commitment to improving its internal policies and procedures to enhance partnerships, clarify accountabilities and improve outcomes for refugees and persons of concern.

The updating UNHCR standard operating procedures for establishing and maintaining implementing partnerships as part of the Framework, is currently underway. Structured consultations have been held with a range of partners, particularly through the use of various reference groups. Development and content of procedures are aligned with the Principles of Partnerships: equality, transparency, results-oriented approach, responsibility and complementarity.

In the session, the draft Framework, which was jointly developed with reference groups, was presented to participants. The approach taken by UNHCR to engage partners was also outlined. In addition to the panel discussions, three breakout sessions were held in parallel and participants were asked their views on the draft Framework and encouraged to provide feedback for its further development.

Participants endorsed the need for such a Framework and supported UNHCR's initiative and efforts to develop it in consultation with partners. Participants also appreciated the approach and the opportunity provided to the partners to comment and contribute to the development of the Framework.

RECOMMENDATIONS:

- UNHCR should continue with the development of the Framework and keep engaging partners in the process;
- NGO partners should provide input and support to the process for finalising and adopting the Framework;
- Framework should be adapted to address the special requirements for emergency operations;
- UNHCR should maintain its proposed new approach that is risk-based and not "one-size-fits all" – and particular importance should be placed on the history of partnership, partner performance and the relevant capacities of partners;
- Providing training and support to partners in the implementation and use of the Framework, is essential, especially to local partners and those might encounter language barriers and access to internet technologies; and
- UNHCR should also consider the following:
 - While acknowledging the necessity and challenges of the one year fiscal funding cycle imposed on UNHCR, participants recommended that UNHCR should commit to the timely release of funds; reduce delays in signing project agreements; and provide feedback on standard project reporting. In this way, unreasonable risks would not affect NGO partners while strengthening partner confidence.
 - While not directly related to the session, participants recommended that UNHCR should also develop a framework for working with operational partners in the same vein, since the current initiative relates to complementary implementing partnerships.

Marginalisation and Social Exclusion of Particular Refugee Populations

Socially excluded groups such as people living with HIV/AIDS; people with disabilities; LGBTI individuals; ethnic, religious, and linguistic minorities; and indigenous peoples often find themselves particularly harshly treated if they are displaced. Having been persecuted in their countries of origin, they are often marginalised and discriminated against by other refugees, the local population, and service providers. Often this experience of accumulated marginalisation conspires to increase protection risks and undermine their coping mechanisms, exposing them to an even higher risk of exclusion and exploitation. For instance, refugees who are LGBTI have to overcome more barriers to claim asylum and may be unable to obtain basic medical care, safe housing, or secure employment. Refugees living with HIV continue to experience stigma, discrimination, and social exclusion.

RECOMMENDATIONS:

- Involving persons with disabilities from the very beginning of an emergency situation in the design, assessment, monitoring and evaluation of interventions is an effective way to ensure their inclusion, but is also cost effective in the longer term;
- Forming partnerships with existing Disabled Persons Organizations (DPOs) and other related entities is an effective way to strengthen protection responses to persons with disabilities;
- Context-specific sensitisation trainings are useful in addressing discomfort with, and increasing awareness of, the LGBTI community;
- Codes of conduct that prohibit discrimination on the basis of sexual orientation and gender identity help raise awareness and reduce the acceptability of such behaviour;

- There is a need to change attitudes that exist towards minority groups through public discussion; and
- With access to medication, people living with HIV can be contributing members of any community. It is still often stigma and lack of information that pose the biggest obstacles to this. Community sensitization therefore remains critical.

No nationality, No Rights? Strategies and tools for the protection of stateless persons

Stateless people are not considered as nationals by any State. As a result, they are often denied a wide range of fundamental human rights, even though they may have lived in the same place for generations. As an example, poor or no access to birth registration and personal identification documents often characterizes the situation of stateless persons. At the same time, lack of civil registration and documentation creates a risk of statelessness. Discrimination, for instance on grounds of ethnicity, religion, and gender, is also frequently a cause of statelessness. Once stateless, individuals are often subject to discrimination because they are non-citizens and therefore face discriminatory treatment on multiple grounds. Stateless migrants often risk arbitrary or indefinite detention because of their illegal presence in a country, their lack of valid travel documents and the fact that there is no country they can be removed to.

The December 2011 Ministerial Meeting was, rightly, hailed by the High Commissioner as a “quantum leap” in the global response to statelessness. It raised the profile of problems faced by stateless populations around the world and the need for action by States. Many States have committed to acceding to one or both of the 1954 and 1961 Statelessness Conventions, or to take other action to address statelessness, including reform of nationality legislation, the establishment of formal statelessness determination procedures, mapping of stateless populations, or the strengthening of civil registration and documentation systems.

It was acknowledged that effective statelessness determination procedures (SDPs) are a practical prerequisite to enable States to identify cases of statelessness so that they can meet their responsibilities under the 1954 Convention. In 2012, UNHCR released guidelines to assist States in implementing their obligations in this regard. Participants furthermore recognized that stateless persons often face lengthy periods of immigrant detention and that more research is needed on the human impact of such detention. Immigration officers often lack expertise to deal with stateless individuals and States use alternatives to detention as a last resort, when they should be the first response. Finally, birth registration and documentation serves as important proof of the link between an individual and a State, which helps preventing people from becoming stateless. It was recognized that procedures should ensure that all children are registered immediately at birth and that awareness-raising efforts to this end must be intensified.

RECOMMENDATIONS:

- UNHCR should support more individual cases, including through strategic litigation, of detained stateless persons;
- UNHCR and its partners should provide more training on statelessness for all stakeholders, including for State authorities;
- There should be increased use of the media to raise awareness about statelessness; and
- UNHCR and NGOs need to work together to follow up on pledges made during the 2011 Ministerial Meeting, in particular those on statelessness determination procedures that may serve to better identify stateless persons and reduce incidences of them being detained.

Redefining Protection for Children in Emergencies

Almost half of the populations of concern to UNHCR are children. Forced displacement and emergencies put children at greater risk of being orphaned, separated from their families, recruited into armed groups, trafficked, subjected to sexual or gender based violence, forced into heavy labour, or a combination of these risks. Specific risks and vulnerabilities for children need to be identified and addressed. Over the last year, UNHCR has been engaged in a consultative process to review its global strategic direction for the protection of children, which has resulted in a new Framework for the Protection of Children. This Framework will guide the work of UNHCR staff and partners in the development and implementation of child protection programmes in all contexts including emergencies. It focuses on the realisation of six goals, which specifically address the issues raised during the session regarding birth registration (Goal 4) and detention (Goal 3) through suggested actions and benchmarks.

The session addressed some of the key challenges in the protection of children in emergencies. It was unanimously acknowledged that children should not be detained. It is clear from studies that the detention of children can cause psychological and social damage, poor physical health, lack of emotional development, risk taking behaviour, mistrust, and loss of family connections.

Birth registration is fundamental in providing a child with the necessary documentation to access a range of rights, and is also essential to combat statelessness and exploitation. Protection of children, therefore, requires a holistic and integrated approach, including is birth registration.

RECOMMENDATIONS:

- UNHCR should provide a clear action plan for the Framework's implementation and ensure that commitments made therein are effectively implemented and regularly reviewed;
- UNHCR should strongly advocate for the ExCom Conclusion on birth registration;
- States should take appropriate measures to ending the detention of children as well as systematically collect data on numbers of children affected; and
- Member States should demonstrate their commitment to ending detention of children in law and in practice, and to piloting alternatives to detention.

REGIONAL SESSIONS

Africa Bureau

The regional session for Africa focused on (i) a review of the ongoing emergencies, (ii) the Comprehensive Durable Solutions Strategies for Angolan, Liberian and Rwandan refugees, and (iii) UNHCR's 2013 programmes in Africa.

The session opened with a review of the refugee emergencies in Africa, with a special emphasis on the Mali, Sudan and Somalia situations. The participants expressed concerns about the situation of Somali refugees in Kenya and more specifically their living conditions in Dadaab. UNHCR highlighted the imperative to keep operations going despite the difficult security environment prevailing in Dadaab, so as to continue assisting and protecting refugees.

The Regional Bureau for Africa provided an update on the implementation of the three Comprehensive Durable Solutions Strategies to bring the Angolan, Liberian and Rwandese situations to an end. Participants underlined the need to ensure voluntariness of returns and expressed some specific concerns with regard to the Rwandese refugees, in particular those with sensitive profiles. UNHCR explained the steps that the Office is taking, together with the country of origin and the host countries, to ensure that the fewest possible refugees remain without a durable solution after the

cessation clauses come into force. An exemption procedure should result in maintaining international protection for the refugees in need of it.

The situation of the Newly Naturalized Tanzanians as well as the upcoming closure of Mtabila camp in Tanzania was also briefly discussed. The back tracking of the Tanzanian government regarding the NNTs raised concern.

Finally, the 2013 programmes for Africa were presented. The challenging prioritization exercise undertaken due to limited funds, continuity in the operations, resource mobilization and partnerships, were the main issues discussed.

RECOMMENDATIONS:

- In Kenya, and especially in Dadaab, it is imperative to maintain the operations for refugees, despite the security environment. The key role played by NGOs in outreach to refugee communities was acknowledged; and
- Call was made for UNHCR, other UN agencies and NGOs to work more closely together to mobilise resources and use them as effectively as possible.

Asia Bureau

The session focused on protracted situations in the Asia Pacific region, with updates on various refugee situations and the possibilities for durable solutions. The protection environment in the region is particularly fragile, as the majority of the countries in the region are not signatories to the 1951 *Refugee Convention*. The region is also marked by mixed migration flows. Protracted refugee situations in fragile protection environments lead to risky onward movements, often with disastrous consequences. States are now more willing to address the refugee situation more systematically and in a more holistic fashion. The recognition of mixed migration flows by States in the region is indicative of this approach, for example, the Almaty and Bali processes are developing the necessary cooperation between States to address mixed migration. The operationalisation of the Regional Cooperation Framework under the Bali process is supported by UNHCR's Regional Support Office (RSO) in Bangkok, established in July 2012, but needs greater civil society engagement.

A strategy has been developed for the Afghan Refugee situation to ensure a common approach among the three key countries concerned (Iran, Pakistan and Afghanistan). Positive political developments in Myanmar indicate a possible resolution of the protracted situation on the borders of the country. It is however, too early to predict if the situation is stable enough to enable the return of refugees to Myanmar. The situation in the Rakhine region is unstable, and recent reports of violence highlight the fragility, as well as complexity, of the situation.

Civil society in the region is engaged and supportive of an increase in the protection space for refugees. Approaches include proposing national legislation, reforms of existing laws, and advocacy for alternatives to detention. For example, persistent and sustained advocacy by civil society has resulted in the Indian government's recent decision to provide refugees with long-term visas, as well as work permits. Civil society needs to explore multipronged strategies to increase protection space for refugees in countries of first asylum, seeking sustainable solutions to protracted refugee situations. True durable solutions are only possible through national ownership of refugee rights movements, achievable through partnerships among all the parties involved, based on equality, understanding, and transparent communication.

RECOMMENDATIONS:

- Recognise that States in the region are coming together to address mixed migration and this is an opportunity for collaboration between all stakeholders to address the plight of refugees and asylum seekers; and
- Build on the good examples from civil society in the so-called transit countries to create greater ownership of refugee protection.

MENA Bureau

The MENA region has been in the news headlines since the beginning of what is known as the ‘Arab spring’. The region is now facing seven full-fledged emergency situations in Syria, Iraq, Lebanon, Jordan, Yemen, Libya, and Mauritania. The unprecedented political changes in the region have resulted in a period of political instability, creating massive refugee outflows from the countries caught in this political upheaval. Unfortunately, this change came at a very high cost. This made us raise the following questions: Is our capacity still sufficient to deal with seven simultaneous situations in just one region? Are we able to respond with the standards we imposed upon ourselves? Is the international community able to put into place prevention measures? Are we capable as a partnership to solve the consequences of the crisis, including the old protracted situations?

Over the past period, tens of thousands of people have been widely affected as a result of the on-going events. The humanitarian cost of this nature of political change has caught the region unawares. Humanitarian responses to the sudden crises have been faced with many challenges including political, financial, and operational constraints. There were huge gaps in funding, resources, and services. Yet, local communities played a very important role in face of those crises by hosting and assisting those refugees and displaced individuals. This brought about the importance of civil societies, and the need to empower them.

As part of the discussion, it was agreed that there are two distinctive characteristics of the region that should be taken into consideration: First, the youth, which can be a constructive power of change, or rather a destructive power of change. Second, the religious atmosphere as religion can be a positive driving force in the society, or a negative one. The discussions also brought to attention the plight of refugees crossing the Sinai Desert into Israel. It was suggested that this situation requires a regional solution and cannot be seen as a problem of one state alone.

In light of all that, a very effective response to the humanitarian crisis requires an action on the individual, national, and international levels. Each of those levels should collaborate with the other to produce an efficient result with the least damages possible.

RECOMMENDATIONS:

- Communication and use of technology should be improved, and reinforced by United Nations and partners with regards to humanitarian issues;
- IDPs should not be neglected by UNHCR, and should rather receive the same attention as refugees;
- Donors should coordinate better among themselves, and with international organizations to enable better resource allocation and effectiveness;
- Women and Youth should receive more attention by national and international NGOs as they are the power of change;
- Inclusive engagement with all stakeholders, including religious entities;
- NGOs work should be based on transparency, impartiality, and independence away from any political interference;

- A clear partnership should be established between national and international NGOs with civil society organizations;
- Voluntarism should be encouraged by national and international NGOs, and mainly the United Nations;
- UNHCR should reassess its approach in order to cope with the ever changing circumstances in the region, especially with the rise of many obstacles such as the overall decline in funds; and
- Big organizations should help build the capacities of small organizations, not compete with them. In this context, national NGOs should be supported by other international NGOs.

Americas Bureau

The ratification of international conventions and the enactment of sophisticated national legislation on refugee protection are widespread throughout the American continent. Countries in the region have widely ratified both international and regional human rights instruments that have an impact on the life of refugees and IDPs. While the region has a very advanced legal protection framework, it was argued that the reality on the ground was not necessarily reflective of the potential. Some countries have introduced pre-admissibility procedures, which turned into a mechanism that ultimately denies access to RSD for many. Moreover, some governments in the region perceive NGOs and civil society as opposition, perhaps due to civil society's role in trying to ensure that governments follow due process in line with their obligations.

RECOMMENDATIONS:

- Civil society should play a more active role in providing legal support and representation, and explore partnerships with universities and law firms for the provision of pro bono legal aid;
- Civil society involvement should be enhanced in the identification of national and regional protection gaps that need to be addressed;
- Non-governmental organizations should engage with the wider civil society to ensure the safeguarding of constitutional rights;
- The need for better judicial review should be addressed through enhancing the capacity of judges and the judicial system and exchange of knowledge between jurisdictions; and
- The Inter-American system should be better understood and used by the States, particularly with reference to the protection standards and mechanisms enshrined therein.

Europe Bureau

Economic crisis and demographic changes have contributed significantly to the changing perceptions toward asylum seekers. The political upheavals in the Middle East have seen a rise in asylum seekers to Europe by almost 20% or 330 000 asylum seekers.

The session tackled the difficult issue of xenophobia in Europe. Xenophobia, racism, discrimination, and hate crimes are all related and can affect not only the integration of persons of concern but also their physical security. A distinction, nevertheless, needs to be made between xenophobia on the one hand and discrimination on the other. Legal frameworks to counter the two issues are different, as are their causes and manifestations in some respects. There was acceptance of the fact that xenophobia was on the rise, with almost daily attacks based on xenophobia and racism being reported. Refugees and asylum seekers are particularly vulnerable to the increase in violence and discrimination. It is also worrying because xenophobia and its populist agenda contribute to policy change. It is difficult to establish a clear pattern across Europe and there is the need to consider each country situation separately.

RECOMMENDATIONS:

- UNHCR and NGOs should publically challenge incorrect or hateful messages from politicians and other influential persons; as well as other statements that are feeding the xenophobia feelings;
- NGOs and UNHCR should raise, at high government level, the need for robust strategies for anti-discrimination legislation and policy as well as measures to counter racism and xenophobia;
- NGOs and UNHCR to work with the general public and engage the media effectively to disseminate information and provide positive messages about refugees to raise awareness, in particular among young people;
- Highlight personal stories and contributions of refugees and migrants to society;
- Government should develop monitoring and reporting mechanisms to address gaps in data on xenophobia;
- UNHCR and NGOs should find ways to improve the ability of migrants and refugees to access justice and reduce impunity through stronger judicial responses, as well as working with refugee and migrant communities to promote tolerance and respect for national laws;
- Civil society needs to speak out and challenge xenophobic statements and attacks; and
- Public leaders should condemn attacks and public figures should be held accountable for any xenophobic statements they make.

CLOSING SESSION

The High Commissioner (HC) spoke of the central role of civil society role in increasing protection for refugees and persons of concern. In recognition of this role, and of the necessity for effective partnership between UNHCR and civil society, he had launched an ad hoc initiative in 2012 to jointly identify and improve the quality of partnerships -- a "Structured Dialogue". The HC enumerated a number of other initiatives undertaken by the UNHCR to foster and strengthen UNHCR-NGO relationships, one of which was the newly established Implementing Partnership Management Service (IPMS).

The HC highlighted the shrinking asylum space in different parts of the world and the crucial role that civil society could play, together with UNHCR, to work against this trend. He also expressed concern about increasing security risks in refugee operations, both for UNHCR and partners' staff, as well as for the affected populations. It was important to meet these challenges together, and with more involvement of the refugee communities.

A common thread during the Consultations was the precarious funding situation both for UNHCR and NGOs. The HC considered it important to impress upon the donor community the need for sustained and long-term funding, and echoed NGOs' concerns that unpredictable yearly funding was detrimental to service provision and increased protection. Strong partnerships between NGOs and the UNHCR will help in advocating for the mobilisation of scarce resources and their best use.

In reply to questions from the floor, the HC assured NGOs that a team in UNHCR's Division for International Protection (DIP) was going to monitor and report annually on the implementation of pledges made by States during the 2012 Commemorations. He confirmed the difficulties in securing enough resettlement places. With regard to statelessness, very few countries had statelessness determination procedures and UNHCR was encouraging States to put them in place. Birth registration was on the list of items for future ExCom Conclusions, but the HC cautioned that it might be difficult to get a meaningful Conclusion in a short time frame.

The protection of unaccompanied minors in connection with forced recruitment is a major concern for UNHCR and efforts are made to ensure the civilian nature of refugee camps. The HC confirmed that UNHCR would continue to play its role with IDPs in the context of the Inter-Agency Standing

Committee (IASC) and the cluster approach. He underscored the importance of prevention of gender-based violence, while warning that the humanitarian community was not doing enough, to support survivors and victims of trauma. He confirmed that UNHCR saw education as a priority and that they were trying to do more in the field of secondary education and vocational training, but needed more funding for these activities.

In his upcoming visit to Burma, the HC would raise the importance of reconciliation coupled with the need to respect human rights, including the right to nationality. He would also emphasise that humanitarians are there to help whoever is in need. In relation to concerns expressed around the invocation of the cessation clause for Rwandan refugees, he assured NGOs that he shared their concerns and that he would do his best to ensure proper implementation including safeguards. He expressed hope that, in Pakistan, the solutions strategy for Afghan refugees would help to find solutions for the refugees whose status would run out by the end of the year.

Daisy Dell, UNHCR's Director of External Relations, closed the Consultations by thanking delegates for their active participation in the sessions. She highlighted the Principles of Partnership (PoP)^{1[1]} as a tool to help us all to better serve the people we work with. Finally, she thanked Anoop Sukumaran, Coordinator of the Asia Pacific Refugee Rights Network (APRRN) for his work as Rapporteur of these Consultations.

^{1[1]} The PoP, endorsed by the Global Humanitarian Platform in 2007, include: equality, transparency, result-oriented approach, responsibility, and complementarity (see: www.globalhumanitarianplatform.org/pop.html)

ANNEXES

- I. Programme of the Annual Consultations with Non-Governmental Organizations**
- II. Agenda of Side meetings at the Annual Consultations with NGOs**
- III. Evaluation of the 2012 Annual Consultations with NGOs**
- IV. List of participants by organization**

Annex I

**PROGRAMME OF THE ANNUAL
CONSULTATIONS**

**Annual Consultations with Non-Governmental
Organizations**

**3 – 5 JULY 2012, International Conference Center
Geneva**

**Tuesday 3 July 2012 | International Conference Center
(CICG)**

11h00 – 13h00 PLENARY SESSION *(interpretation in Arabic-English-French-Russian-Spanish)*

Room 2

WELCOME AND OPENING ADDRESS

Alexander ALEINIKOFF, *Deputy High Commissioner for Refugees*
Tahar CHENITI, *Tunisian Red Crescent*
Ben MENDOZA, *Catholic Office for Emergency Relief and Refugees*
Grace MUTHUNGU, *National Council of Churches Kenya*
Daisy DELL, *Director, Division of External Relations, UNHCR*
Tanya WOOD, *Senior Policy Officer, International Council of Voluntary Agencies*
Kemlin FURLEY, *Acting Head, Inter-Agency-Unit, UNHCR*

13h00 – 14h30 LUNCH - DÉJEUNER

13h15 – 14h15 SIDE EVENT *(interpretation in Arabic-English-French-Russian-Spanish)*

Room 3

**With Erika FELLER, Assistant High Commissioner (Protection)
How to reinforce access to justice for victims and survivors of
SGBV:**

“A discussion with NGOs”

The side event will be an opportunity to discuss access to justice for victims and survivors of Sexual and Gender Based Violence (SGBV) as an integral component of UNHCR’s SGBV strategy.

Panel discussion participants:

Louise AUBIN, *Deputy Director, Division of International Protection, UNHCR*
Madeleine REES, *Women’s International League for Peace and Freedom*

14h30 – 16h15 THEMATIC SESSIONS

Room 2

**Refugee Resettlement: Expanding its Reach and Effectiveness
through Broader NGO Participation** *(interpretation in English-French-Spanish)*

UNHCR estimates that almost 800,000 people are in need of resettlement, with 172,196 of these people needing resettlement in 2012. However, UNHCR also estimates that unless resettlement countries increase the number of available resettlement slots, 92,000 refugees this year alone will not have access to the lifesaving protection that resettlement offers. The gap between resettlement needs and the reality of resettlement is so significant that frequently, the stories of the most vulnerable refugees in need of resettlement get lost. Furthermore, these numbers can seem so daunting that some NGOs that want to help are not sure how to best engage in the resettlement process.

This session aims to address some of these issues, and will provide opportunities for NGOs to learn from one another and from UNHCR about the different ways that refugee protection and resettlement intersect. Specifically, the session will highlight how international and local NGOs can be involved with resettlement in a variety of ways, including the identification of refugees for resettlement and the provision of services to particularly vulnerable refugees in countries of first asylum. The session will also focus on the different roles that NGOs play in helping to develop and maintain welcoming communities in resettlement countries and how these efforts affect the successful integration of refugees. In addition, the session will cover issues related to support services and case management that many NGOs provide to especially vulnerable refugees once they have been resettled. Session speakers and participants will explore the strong connections between the services that refugees in countries of first asylum need and those that they also might need in resettlement countries. These similarities include but are not limited to best practices in service provision for urban refugees, LGBTI refugees, SGBV survivors, disabled refugees, and elderly refugees.

This session will consist of a roundtable discussion in a plenary format, followed by two break-out sessions that will allow participants to engage in meaningful dialogue and develop concrete recommendations for moving forward. One break-out session will be dedicated to issues pertaining to refugees in countries of first asylum. This break-out session will be further divided, with one sub-group focusing on best practices in service provision in countries of first asylum and the strong linkages between these services in countries of first asylum and resettlement countries. The second sub-group will focus on NGO resettlement referrals. The other break-out session will emphasize two primary themes, including the importance of NGOs working in partnership with resettlement communities in order to ensure that refugees start their new lives in welcoming environments, as well as highlighting examples of the work that NGOs do in resettlement countries to help especially vulnerable refugees access the support services they need as they begin to integrate into their new homes. Following the break-out sessions, all of the participants will reconvene in order to summarize their findings and recommendations for next steps, including recommendations that will be shared during the 2012 Annual Tripartite Consultations on Resettlement (ATCR).

Moderator: Paul POWER, *Refugee Council of Australia*
 Speaker(s): Kay BELLOR, *International Rescue Committee*
 Aleksandr GALKIN, *Hebrew Immigrant Aid Society Ukraine*
 Johannes VAN DER KLAUW, *Senior Resettlement Coordinator, UNHCR*

Countries of Asylum Break-out session:

Moderator(s): Martin ANDERSON, *RefugePoint*
 Aleksandr GALKIN, *Hebrew Immigrant Aid Society Ukraine*
 Speaker(s): Duncan BREEN, *Human Rights First*
 Robert CAREY, *International Rescue Committee*
 Karina SARMIENTO, *Asylum Access*

Resettlement Country Break-out session:

Moderator: Kay BELLOR, *International Rescue Committee*

Speaker(s): Anastasia BROWN, *US Conference of Catholic Bishops*
 Petra HUECK, *International Catholic Migration Commission*
 Melika SHEIKH-ELDIN, *Adult Multicultural Education Services*

Room 3

Climate Change – People on the Move *(interpretation in English-French-*

Spanish)

This interactive session will review current knowledge on displacement in relation to extreme weather and climate-related events or processes. Panelists will consider potential ways to address the protection concerns of people displaced by climate-related phenomena as well as other affected populations. In particular, the panel will discuss the legal dimensions of providing protection for persons displaced both within and across borders. It will also highlight challenges and good practice from the perspective of populations of concern and of national actors responding on the ground, including the management of the environmental impacts of humanitarian operations. The respective roles and responsibilities of local to international actors in addressing the challenges will be considered throughout. Through moderated discussion amongst the panelists and participants from the floor, key messages will be drawn out and recorded for inclusion in the report of the Annual Consultations. Participants are encouraged to come ready to share experiences and questions on the issues from their own work.

Moderator: Ahmed IDRIS, *Kenya Red Cross Society*

Panelists: Jose RIERA, *Senior Adviser to the Director, Division of International Protection, UNHCR*, presenting an introductory overview to the issues

Nina SCHREPFER, *Norwegian Refugee Council/IDMC, previously with the Office of the RSG on the Human Rights of IDPs*, presenting a recent study with Prof. Walter Kälin on “Normative gaps and possible approaches to protect people crossing borders in the context of climate change”

Radha GOVIL, *Consultant, Division of International Protection, UNHCR*, presenting a new study by UNHCR and UN University on “Climate change, Vulnerability and Human Mobility: Perspective of refugees from the East and Horn of Africa”

Charles KELLY, *WWF/Co-chair of the Global Emergency Shelter Cluster Environment Reference Group*, presenting the Green Recovery and Reconstruction Toolkit (GRRT) for ensuring operational support to displaced populations addresses environmental sustainability, disaster risk and the need to adapt to climate change

Room 4

Information Management Symposium: Strengthening

Information in Humanitarian Response (interpretation in English-French-Spanish)

Delivering enhanced information to decision makers and refugees and others of concern, building strategic partnerships, and incorporating cutting-edge technology, UNHCR, its partners and its global cluster co-leads will be presenting some of the information management innovations currently in use in humanitarian operations throughout the world.

The *Information Management Symposium* is an interactive exhibit showcasing "Information Stations" where the information management tools, methodologies and strategies currently in use in the field will be featured. You are invited to exchange knowledge and ideas on how technology, data and information management as well as coordination can strengthen the way the humanitarian community addresses emergencies, saving lives, resources and ensuring a timely and coordinated response. You will also find out more about UNHCR's information management strategy for the coming years.

Participants will first be greeted in a plenary session, framing the day's activities. Following this, participants will be free to roam among “information stations” showcasing some of the newest developments in information management by

UNHCR and its partners. In a demonstration of mobile data collection, participant views about humanitarian information management will be collected and analyzed. This interactive and fun event will also have a few surprises.

UNHCR looks forward to capturing your views on needs and capacity in the area of information management and how enhanced collaboration could improve the way UNHCR does business with its NGO partners.

Moderator: Steven CORLISS, *Director, Division of Programme Support and Management, UNHCR*

Speaker(s): Kim ROBERSON, *Chief, Field Information Coordination Support Section, UNHCR*

NGOs and Agencies Exhibitors/Speakers: ACAPS, ACTED, IOM, JIPS, OCHA, ICT4Peace Foundation

16h15 – 16h45 COFFEE BREAK – *PAUSE CAFE*

16h45 – 18h30 THEMATIC SESSIONS

Room 2

Refugee Resettlement: Expanding its Reach and Effectiveness through Broader NGO Participation (*continued*) (*interpretation in English-*

French-Spanish)

The session continues.

Room 3

Climate Change – People on the Move (*continued*) (*interpretation in*

English-French-Spanish)

The session continues.

19h00- 20h30 RECEPTION – UNHCR Cafeteria, UNHCR main building (94, rue de Montbrillant)

Wednesday 4 July 2012 | International Conference Center (CICG)

09h00 – 10h45 REGIONAL SESSIONS

Room 2

Bureau for Africa (*interpretation in English-French-Spanish*)

The Africa Regional Session aims at providing a platform for an open discussion between the NGO participants and the Africa Bureau's management team on current programme and policy issues in sub-Saharan Africa.

The first part of the session will look at UNHCR's 2013 programme for the region and the impact of the expected reduced level of funding for the organization as a result of the financial and economic crises in many of UNHCR's traditional donor countries. The Bureau will give an update on the main emergency situations on the African continent namely the Mali, Somalia and Sudan situations. The implications of UNHCR having to respond almost simultaneously to different emergencies causing large numbers of refugees and internally displaced people for the other programmes on the continent will also be discussed.

During the second part of the session the discussion will focus on UNHCR's comprehensive solutions strategies for Angolan, Liberian and Rwandan refugees. Progress is being achieved in finding durable solutions for these people of concern, in particular through voluntary repatriation and local integration, with cessation of refugee status due to come into effect on 30 June 2012, for Angolan and Liberians refugees, and on 30 June 2013 for Rwandan refugees. The discussion will look at how best to secure solutions for these individuals, how to effectively manage the cessation process, and the nature of UNHCR's engagement during the transition period immediately following cessation of refugee status

Moderator: Justus LUGALA, *Sudan Health Association*
Speaker(s): George OKOTH-OBBO, *Director*
Liz AHUA, *Deputy Director*
Raouf MAZOU, *Deputy Director*
Noriko YOSHIDA, *Deputy Director*

Room 3

Bureau for MENA (*interpretation in Arabic-English-French-Spanish*)

The Middle East and North Africa region has been facing a variety of situations ranging from ongoing and protracted conflict to political unrest and major displacement. The majority of refugees in the MENA region are residing in urban areas which were themselves theaters of the events of the "Arab Spring". Unstable political situations in the region have led to new displacement as well as an increase in the vulnerability of a number of refugee groups.

The discussion during this session is planned to focus on the humanitarian implications of the Arab Spring on refugees and other persons of concern to UNHCR, as well as the urban nature of refugees' situations in the region.

Moderator: Najla TABET CHAHDA, *Caritas Lebanon*
Speaker(s): Yacoub EL HILLO, *Director*
Hany EL BANNA, *Humanitarian Forum*

Yaroup AJLOUNI, *Jordan Health Aid Society*
 Khalid BEN ALLI, *Libyan Humanitarian Relief Agency (LibAid)*

Room 4**Bureau for Asia and the Pacific** *(interpretation in English-Russian)***Protracted Refugee Situations**

Asia and the Pacific region continues to host five longstanding refugee situations. One major situation involves Afghanistan, Pakistan and Iran. The other significant refugee situations are in Nepal, Sri Lanka, Bangladesh and Thailand. Pakistan and Iran currently host 2.7 million registered Afghan refugees, including some who have been there for over 30 years, while Bangladesh, Sri Lanka, Nepal, and Thailand together host up to 1.3 million refugees who have been there for over 20 years. UNHCR will provide an update on important developments concerning these protracted refugee situations in Asia and the Pacific. However, this year we wish to address another important dimension going beyond the situation in the principal country of asylum. The session will highlight what can be characterized as the “spill-over” from these situations in the form of irregular onward movement, which creates pressure in urban environments, causing asylum fatigue and leaving refugees and asylum-seekers in highly vulnerable situations. In the absence of legal and normative frameworks in the region for predictable refugee protection, irregular onward movement represents a major challenge. UNHCR has been working to encourage more predictable practices in hosting refugees and wider burden-sharing through the Bali Process and the Almaty Process. The session will explore how UNHCR and civil society can work together to address irregular onward movement and promote greater “ownership” to asylum in the region, and highlight good examples of the role of civil society in this regard.

Moderator: Syed Mazher HUSSAIN, *Confederation of Voluntary Associations*
 Speaker(s): Kasidis ROCHANAKORN, *Director*
 Josefa OJANO, *Deputy Director*
 Indrika RATWATTE, *Deputy Director*
 Anoop SUKUMARAN, *Asia Pacific Refugee Rights Network*

10h45 – 11h15 COFFEE BREAK – PAUSE CAFE

11h15 – 13h00 REGIONAL SESSIONS**Room 2**

Bureau for Africa *(continued)* *(interpretation in English-French-Spanish)*
 The session continues.

Room 3

Bureau for MENA *(continued)* *(interpretation in Arabic-English-French-Spanish)*
 The session continues.

THEMATIC SESSION**Room 4**

Strategic Litigation, Refugee Legal Representation and Advocacy: Pathways to Protection, Durable Solutions and Refugee Rights *(interpretation in English-French-Spanish)*

Legal aid for refugees and asylum seekers is growing in scope, geographic availability and importance. This panel will look at a wide variety of legal services offered around the globe and the major logistical and human rights concerns that they address - from pre-status counseling and interview accompaniment, to general

refugee legal services and strategic litigation techniques.

The panel will discuss the utility of legal aid services in helping refugees access status and their rights through the lens of RSD, direct representation and strategic litigation. Speakers will specifically highlight where partnerships with other organizations and with UNHCR have been successful, and where future partnerships might strengthen our ability to provide high quality services to refugees as a community.

Finally, UNHCR's direct legal interventions, and important role in fostering legal aid for refugees will be discussed with a view to finding collaboration and partnership possibilities.

Moderator: Rachel LEVITAN, *RefugePoint*
 Speaker(s): Martin JONES, *Egyptian Foundation for Refugee Rights*
 Kaajal RAMJATHAN-KEOGH, *Lawyers for Human Rights*
 Michael TIMMINS, *Asylum Access Thailand*
 Cornelis WOUTERS, *Senior Refugee Law Advisor, Division of International Protection, UNHCR*

13h00 – 14h30 LUNCH - DÉJEUNER

14h30 – 16h15 THEMATIC SESSIONS

Room 2

No nationality, no rights? Strategies and tools for the protection of stateless persons *(interpretation in English-French-Spanish)*

Stateless people have no nationality anywhere. As a result, they often do not have access to the same rights and services as citizens even though they may have lived in the same place for generations. In fact, sometimes stateless persons suffer multiple deprivations and violations of rights as a direct result of not having a nationality. Discrimination on grounds of ethnicity, religion and gender are frequently both a cause and a consequence of statelessness. In several countries stateless migrants are often found in prolonged or even indefinite immigration detention. And most stateless persons have poor or no access to birth registration and personal identification documents.

2011 marked a turning point for global efforts to address statelessness. At UNHCR's Ministerial Meeting last December, an unprecedented 61 States from all continents pledged to take measures in this area. Among them, 10 States pledged to establish statelessness determination procedures or to improve existing mechanisms to protect stateless persons. Another 12 States expressed commitments to strengthen civil registration and documentation systems to prevent and reduce statelessness. NGOs can play a vital role in supporting States to turn these pledges into reality and ensure that stateless persons are better protected.

This session has been proposed by the NGO Committee on Migration, the Open Society Justice Initiative and Praxis and will consider the human rights situation of stateless persons, the challenges they face and what can be done to improve their protection situation. It will provide an opportunity for NGOs to share experiences from their work at the national and international levels and to learn how UNHCR is currently strengthening its own efforts in this area. With a limited number of NGOs thus far engaged in statelessness issues, the session also aims to spur greater civil society interest and involvement in statelessness. Following the plenary session, where the panelists will present different themes and perspectives on protection of stateless persons, the session will break into three workshops. Each of these break-out sessions will focus on specific strategies and tools that exist

for protection of stateless persons, including statelessness determination and grant of legal status to stateless persons; birth registration and documentation; and monitoring of detention cases and advocating alternatives to detention. The findings from each of these sessions and recommendations for follow-up will be summarized in plenary at the end of the session.

Moderator: Sarnata REYNOLDS, *Refugees International*
 Speaker(s): Amal DE CHICKERA, *Equal Rights Trust*
 Sebastian KOHN, *Open Society Justice Initiative*
 Ivanka KOSTIC, *Praxis*
 Mark MANLY, *Head, Statelessness Unit, UNHCR*
 Kajaal RAMJATHAN-KEOGH, *Lawyers for Human Rights*

Break-out sessions:

Determination of statelessness and grant of status at the national level to stateless persons

Moderators: Mark MANLY, *Head, Statelessness Unit, UNHCR*
 Chris NASH, *Asylum Aid*

Birth registration, identity documentation and risk of statelessness

Moderator: Ivanka KOSTIC, *Praxis*

Protecting stateless persons from arbitrary detention

Moderators: Amal DE CHICKERA, *Equal Rights Trust*
 Grant MITCHELL, *International Detention Coalition*

Room 3

Operational Focus: Implementing partnership – A Framework for establishing and maintaining UNHCR partnerships *(interpretation in English-French-Spanish)*

Since UNHCR was established more than 60 years ago, it has been working in close partnership with NGOs to protect and assist refugees. In 2010, UNHCR channeled nearly 30% of its \$1.9 billion budget through 685 NGOs, including 533 national NGOs. UNHCR strategic partnership with NGOs expands beyond joint implementation of common goals. The nature of partnerships and operating environment have been evolving. UNHCR is committed to improve its current procedures with the aim to assist in the establishment and maintenance of implementing partnerships with NGO partners.

UNHCR has established a support service; Implementing Partnership Management Service, (IPMS), dedicated to improving implementing partnerships, and related policies and procedures.

UNHCR is also reviewing the whole framework of cooperation with implementing partners, including establishing and maintaining implementing partnerships, managing UNHCR-NGO partnership agreement, the types and formats of agreement, clauses and conditions, terminology used, mechanisms for joint monitoring of projects and mutual review of partnership. As part of the efforts, UNHCR/IPMS has been working with a Reference Group of Implementing Partners and UNHCR to draft Standard Operating Procedures for initial stages of partnering as a component of establishing and maintaining partnerships, including revision of Implementing Partnership Agreement.

This session will brief and solicit views on the effort being undertaken to improve the framework and its standard operating procedures with the aim of enhancing our collaborative efforts for achieving the best results for persons of concern, provide credibility and accountability for the resources entrusted with us and strengthening partnership.

Moderator: Mark HETFIELD, *Hebrew Immigrant Aid Society*
Speaker(s): Walter BRILL, *International Catholic Migration Commission*
Steven CORLISS, *Director, Division of Programme Support and Management, UNHCR*
Kenneth HANSEN, *Greek Council for Refugees*
Fatima SHERIF-NOR, *Acting Head, Implementing Partnership Management Service, UNHCR*

Breakout Group 1:
Co-Facilitators: Andrea SULEY, *UNHCR* and Misikir TILAHUN, *Africa Humanitarian Action*
Breakout Resource: Sayed SATTAR, *Afghan Public Welfare Organization*
Breakout Group Rapporteur: Lisa SFERRAZZA, *Hebrew Immigrant Aid Society*

Breakout Group 2:
Co-facilitators: Laura LO CASTRO, *UNHCR* and Mamadou NDIAYE, *OFADEC*
Breakout resource: Min SIDHU, *Oxfam UK*
Breakout Group Rapporteur: Patty MCILREAVY, *InterAction*

Breakout Group 3:
Co-facilitators Cagatay DEMIROZ, *UNHCR* and Yaroup ALJOUNI, *Jordan Health Aid Society*
Breakout Group Rapporteur: Tanya WOOD, *ICVA*

Room 4

Marginalization and Social Exclusion of Particular Refugee Populations

(interpretation in English-French-Spanish)

Recognizing specific protection needs and operationalizing assistance for diverse refugee groups includes people living with HIV/AIDS, people with disabilities, Lesbian, Gay, Bisexual, Transgender and intersex (LGBTI) Individuals, ethnic, and religious and linguistic minorities and indigenous peoples.

Socially excluded groups are impacted particularly harshly during the displacement cycle. Having been persecuted in their countries of origin, they are often marginalized and discriminated against by other refugees, the local population and service providers. Often, this experience of accumulated marginalization conspires to increase protection risks and undermine coping mechanisms; exposing them to an even higher risk of exclusion and exploitation. For instance, refugees who are LGBTI have to overcome more barriers to claim asylum and may be unable to obtain basic medical care, safe housing or secure employment.

At the same time, they may be denied police protection from violence by local communities or other refugees. These factors are each extremely challenging and in combination, may lead to life-threatening conditions.

Members of the panel will highlight various aspects of social exclusion:

- competencies acquired in the Botswana Red Cross' work with refugees with HIV/AIDS
- benefits of inclusive programming for refugees with disabilities
- protection of Ethnic, Religious and Linguistic Minorities and Indigenous Peoples
- exclusion of LGBTI people among refugees, local populations and NGOs
- effective model for working with excluded social groups, focusing on the example of LGBTI individuals

Questions for discussion will include how to better integrate the needs and capacities of these groups into mainstream humanitarian work. Are the barriers for doing this the same for each group? What are they?

Moderator: Volker TURK, *Director, Division of International Protection, UNHCR*
 Speaker(s): Chris DOLAN, *Refugee Law Project, Makerere University, Uganda*
 Tshepo GARETHATA, *Botswana Red Cross*
 Neil GRUNGRAS, *Organization for Refuge, Asylum and Migration*
 Emma PEARCE, *Women's Refugee Commission*
 Carl SODERBERGH, *Minority Rights Group International*

16h15 – 16h45 COFFEE BREAK – PAUSE CAFE

16h45 – 18h30 THEMATIC SESSIONS

Room 2

No nationality, no rights? Strategies and tools for the protection of stateless persons (*continued*) (*interpretation in English-French-Spanish*)

The session continues.

Room 3

Operational focus: Implementing partnership - A Framework for establishing and maintaining UNHCR partnerships (*continued*) (*interpretation in English-French-Spanish*)

The session continues.

Room 4

Redefining protection for children in emergencies (*interpretation in English-French-Spanish*)

Children comprise close to 50 per cent of the populations of concern to UNHCR. Forced displacement, statelessness and complex emergencies affect children in unique and devastating ways. They have particular vulnerabilities and face specific risks that distinguish their needs from adults. Forced displacement and emergencies put children at greater risk of being orphaned, separated from their families, recruited into armed groups, trafficked, subjected to sexual or gender based violence, forced into heavy labor or a combination of these risks. Over the last year UNHCR had been engaged in a consultative process to review its global strategic direction for the protection of children, which has resulted in a new Framework for the Protection of Children. It consolidates and draws on existing legal and policy instruments, but is also a forward-looking tool which sets ambitious yet achievable goals for UNHCR to work towards, as well as emphasizes the importance of strengthening existing child protection systems.

The aim of this session is to present to NGO partners UNHCR's new strategic direction on protection of children, the overall goals and underlying principles, as well as the systems approach used to advance these goals. The session will jointly explore how NGO partners can contribute to the implementation of the Child Protection Framework, with a view to further strengthen NGO-UNHCR Partnership around the protection of children.

Moderator: Vladimir HERNANDEZ, *Community and Family Services International*
 Speaker(s): Maja CUBARRUBIA, *Plan International*
 Monika SANDVIK-NYLUND, *Senior Adviser Child Protection, Division of International Protection, UNHCR*
 Angeliki THEODOROPOULOU, *Greek Council for Refugees/International Detention Coalition*

Thursday 5 July 2012 | International Conference Center (CICG)

08h00 – 09h00 **Regional Informal meetings** (*no interpretation*)
Réunions informelles régionales (*pas d'interprétation*)
 Africa & Asia region | Room 21
 Americas, Europe & MENA region | Room 22

09h00 – 10h45 REGIONAL SESSIONS

Room 3

Bureau for Europe (*interpretation in English-Russian*)

Xenophobia and Integration: Xenophobia – what we understand by xenophobia, how we engage to counter it and how it affects integration of refugees?

Following a brief update on key and current issues relating to asylum in Europe, this session will focus on xenophobia and integration. We aim to identify how UNHCR and NGOs can actively and jointly engage the broader civil society to counter xenophobia, contribute to a positive climate and promote the development of robust strategies to engage host and refugee populations in this respect.

Xenophobia, racism, discrimination and hate crimes are all related and can affect not only the integration of persons of concern but also their physical security. A distinction nevertheless needs to be made between xenophobia and racism on the one hand and discrimination on the other. Legal frameworks to counter the two issues are different as are their causes and manifestations in some respects. While there is no legal definition of xenophobia, the ordinary meaning of the word covers “intense or irrational dislike or fear of people from other countries” for instance “hatred or fear of foreigners or strangers or of their politics or culture”.

UNHCR is concerned that in many countries today, throughout Europe, there are high levels of xenophobia which undermine the protection environment and pose a challenge to integration. New immigration patterns and large foreign-born populations in some countries mean that engagement with both host and refugee communities is critical for developing successful national strategies. Refugees are not distinguished from migrants in the public debate and single issue debates in the media often drive public attitudes.

The Bureau for Europe is planning to organize an informal setting for its session and hope to set up an armchair presentation to discuss Xenophobia and Integration.

Moderator: Allan LEAS, *European Council on Refugees and Exiles*
 Speaker(s): Daniel ENDRES, *Director*
 Guillermo BETTOCHI, *Deputy Director*

Room 4

Bureau for Americas (*interpretation in English-French-Spanish*)

Legal aid and effective advocacy – partners supporting better RSD systems in the Americas

The ratification of International conventions and the enactment of sophisticated national legislation on refugee protection are widespread throughout the American continent. Countries in the region have also widely ratified both international and regional human rights instruments that have an impact on the life of refugees and Internally Displaced People. In such advanced legal frameworks, how can asylum-

seekers and refugees effectively claim their rights and obtain respect for their entitlements in adequate administrative and/or judicial instances? How UNHCR partners can contribute to access to effective protection through legal counseling, administrative interventions and advocacy? How persons of concern to UNHCR can be engaged in advocating for their own rights? What type of empowerment and support would they require from UNHCR and its partners?

By answering these questions, this regional session for the Americas aims at exploring the challenges that NGOs working with persons of concern to UNHCR may encounter in providing legal assistance and advocating for their rights and at sharing the best practices NGOs may have elaborated to respond to these shortcomings.

Moderator: Ana WHITE, *US Committee for Refugees and Immigrants*
Speaker(s): Marta JUAREZ, *Director*
Juan Carlos MURILLO, *Senior Legal Officer, UNHCR Costa Rica*
Marco ROMERO, *Consultoria para los Derechos Humanos y el Desplazamiento*
Karina SARMIENTO, *Asylum Access Ecuador*

10h45 – 11h15 COFFEE BREAK – PAUSE CAFE

11h15 –12h00 **PLENARY SESSION** *(interpretation in Arabic-English-French-Russian-Spanish)*

Room 2

Report back on the NGO Consultations

Anoop SUKUMARAN, *Rapporteur to the Annual Consultations with NGOs*
Thararut HANLUMYUANG, *Rapporteur of the Executive Committee, Permanent Mission of Thailand to the United Nations Office in Geneva*
Daisy DELL, *Director, Division of External Relations, UNHCR*
Khassim DIAGNE, *Head, Secretariat and Inter-Agency Service, UNHCR*
Ed SCHENKENBERG, *Director, International Council of Voluntary Agencies*

12h00 – 13h30 **PLENARY SESSION** *(interpretation in Arabic-English-French-Russian-Spanish)*

Room 2

CLOSING ADDRESS

António GUTERRES, *High Commissioner for Refugees*

Annex II

Agenda of side meetings

Annual Consultations with Non-Governmental Organizations

3-5 July 2012 | International Conference Center Geneva, Switzerland

Wednesday 4 July 2012

International Conference Center Geneva (ICCG)

8h00 – 9h00 • Room 3

The impact of protection standards and principles in humanitarian response

Pierre GENTILE, *International Committee of the Red Cross*

Minja PEUSCHEL, *Child Protection Working Group*

Ed SCHENKENBERG, *Sphere Protection Principles/Global Protection Cluster,
International Council of Voluntary Agencies*

Humanitarian practitioners have a number of protection standards and principles available to use: the Sphere Protection Principles, the ICRC Professional Standards for Protection Work and the Minimum Standards for Child Protection in Humanitarian Response (currently being finalized). This session will explore how these different sets of standards relate to each other, how they are being used in emergencies and in which ways they contribute to a quality and accountability approach in humanitarian response.

8h00 – 9h00 • Room 4

Opportunities and challenges in addressing Protracted Refugee Situations: Colombian, Iraqi, and Somali displacement

Sarah CASE, *International Rescue Committee Iraq*

Jessie THOMSON, *CARE*

Joan TIMONEY, *Women's Refugee Commission*

Ana WHITE, *US Committee for Refugees and Immigrants*

Today millions of refugees live in a protracted state of displacement often lacking access to rights or near-term durable solutions. Recently UNHCR, donor states, host governments and non-governmental organizations intensified efforts to address protracted refugee situations. In addition to ongoing initiatives to improve response to urban displacement, we need to continue to evaluate opportunities, progress, challenges and failures in advancing refugee rights while seeking to unlock protracted refugee situations. The cases of Colombian, Iraqi, and Somali refugees present different contexts and experiences that can help evaluate the main barriers and challenges to unlocking these protracted situations, opportunities for moving forward, and recommendations for the international community, UNHCR and NGOs to address these situations. The event will feature three speakers presenting on each of the respective situations and a moderator to facilitate a discussion, which is intended to be the thrust of the meeting.

13h15 – 14h15 • Room 3

Building and supporting legal aid and legal representation of asylum-seekers, refugees and stateless persons

Opening remarks on UNHCR's Judicial Engagement / Moderator

Cornelis WOUTERS, *Senior Refugee Law Advisor, Division of International Protection*

Legal aid in the context of UNHCR RSD

Suzanne DUFF, *Head of RSD UNIT, Division of International Protection*

Strategic litigation in Courts in the Americas

Juan Carlos MURILLO, *Senior Legal Officer, Regional Legal Unit, Costa Rica*

The development of international standards for the protection of asylum-seekers, refugees, and stateless persons depends increasingly on national and international case law or jurisprudence. Judicial decisions contribute to consistent and sound interpretation and application of relevant standards, often bridging the protection deficit when political, administrative and legislative processes fail. UNHCR is engaged with the legal community, including lawyers and judges, in various countries and regions, by assisting legal aid organizations and lawyers in bringing cases to court, by strengthening the capacity of lawyers and judges through training, by cooperating and liaising with specific courts and judges associations and by intervening in cases before courts as a third party. According to the High Commissioner '[e]ngagement with the judiciary, at national and regional levels, is a central part of my Office's work.

In UNHCR's view, legal assistance and representation is an essential safeguard in asylum procedures as well as statelessness determination procedures. Quality legal assistance and representation is, moreover, in the interest of the decision-maker, as it can help to ensure that international protection needs are properly and early identified. The efficiency of first instance as well as appeal procedures is thereby improved.

In this framework, Non-Governmental Organizations (NGOs) that provide legal support services play a prominent role in improving the quality of the asylum systems, advancing legal standards, and securing the rights of asylum-seekers, refugees and stateless persons. This session aims at presenting UNHCR judicial engagement policy and offering the concrete examples in the Americas Region, where opportunities have risen and where engagement with legal aid organizations and legal interventions have been successful. The session will give the opportunity to commonly reflect on how legal aid organizations and UNHCR can work better together in the advancement of the rights of asylum-seekers, refugees and stateless persons.

13h15 – 14h15 • Room 4

Advocating for refugee rights in the MENA region after the Arab Spring: prospects and challenges

Guillaume CHARRON, *Norwegian Refugee Council*

Tahar CHENITI, *Tunisian Red Crescent*

Christopher HEIN, *Italian Council for Refugees*

Martin JONES, *Egyptian Foundation for Refugee Rights*

In 2011 and 2012, many states in the Middle East and North Africa region have witnessed large scale political change. There have been mass protests, revolutions, armed conflict and other forms of political upheaval. In the midst of these upheavals, refugee communities have been deeply affected. They have faced a new wave of nationalism; xenophobic violence; disruption of access to UNHCR and other providers of assistance; and, economic and social disruption. Furthermore, the political upheavals in these states portend changes in refugee policy that, while providing new opportunities also bring new risks. Over the past year much of civil society and the international community has been focused on the situation of the citizens of these states, including both historically and newly marginalized groups. This session aims at providing a forum to discuss the impact of the Arab Spring on refugees and organizations serving refugees in the MENA region. The session will bring together practitioners from organizations serving refugees in MENA region to discuss the impact on refugees of

the Arab Spring; to highlight our experiences of working with refugees and on refugee issues over the last year; and, to identify new opportunities and risks for refugees and refugee policy in the MENA region. The session will be structured as a “roundtable” where all participants will be encouraged to speak about their experiences. It is hoped that the session will provide an opportunity for participants to identify possible future collaborations and to share newly developed.

ANNEX III

EVALUATION OF THE 2012 ANNUAL CONSULTATIONS WITH NGOs

This year the Annual Consultations with NGOs gathered around 400 participants representing over 233 organizations and 83 countries worldwide. 88 participants filled the general evaluation form.

More than 7 persons out of 10 found the consultations good or very good. (Please see the table below for more details).

[1= Very poor, 2= Poor, 3= Average, 4= Good, 5= Very good]

| EVALUATION | 1 | 2 | 3 | 4 | 5 | Average | 4 or 5 |
|--|---|---|----|----|----|---------|--------|
| Relevance of topics to area of work <i>Pertinence pour le domaine de compétence</i> | 1 | 2 | 12 | 35 | 34 | 4.18 | 82% |
| Balance of the agenda between thematic and regional sessions <i>Equilibre de l'agenda entre les séances à thème et les séances régionales</i> | 2 | 5 | 24 | 37 | 17 | 3.73 | 64% |
| Duration of the session <i>Durée de la séance</i> | | 8 | 19 | 38 | 19 | 3.81 | 68% |
| Opportunities to network <i>Occasions de créer des réseaux</i> | 1 | 3 | 7 | 40 | 35 | 4.22 | 87% |
| Venue-meetings at the ICCG <i>Lieu-réunions au CICG</i> | | 1 | 5 | 34 | 46 | 4.45 | 93% |
| Overall quality of the Agenda <i>Qualité générale de l'agenda</i> | | 3 | 9 | 46 | 38 | 4.24 | 88% |
| Overall quality of the speakers/presenters <i>Qualité générale des interlocuteurs/présentateurs</i> | | 2 | 14 | 50 | 19 | 4.01 | 81% |
| Overall quality of the consultations <i>Qualité générale des consultations</i> | | 3 | 16 | 43 | 22 | 4.00 | 77% |

| |
|---|
| 50% of the participants attended more than 5 sessions during the consultations. |
|---|

| |
|--|
| 65% of the participants came for the first time. |
|--|

| |
|---|
| 86% are planning to come back to the next year's consultations. |
|---|

NGO comments and suggestions on the Annual Consultations:

Please find below a table relating the most recurrent comments and suggestions expressed by participants in the general evaluation form.

| What you liked most | What you liked least | Suggestions for next year |
|--|--|--|
| <ul style="list-style-type: none"> • Speech of the DHC for the opening and closing by the HC • Networking/Interaction between NNGOs, INGOS, IOs, UN agencies • Lobbying • Interaction with key UNHCR staff/delegates • Opportunity to learn and share experiences • Relevant thematic sessions | <ul style="list-style-type: none"> • Time allocated for Regional sessions (not enough) • Some sessions were too theoretical, lacking a practical approach • Overlapping sessions (agenda too busy) • Not enough time for debate and in-depth discussions • Thematic sessions were congested | <ul style="list-style-type: none"> • Program Officers should attend the Consultations as they are in direct contact with NGOs • To include SGBV issues in the agenda • More focus on Statelessness/Protection /IDPs issues • Translation of documents in other languages than French and English • To invite refugees • To address the issue of torture and trauma to refugees • To address the issue of women refugee • To address the issue of protracted refugee situations • To address the issue of urban refugees • Use media tools during the sessions • Rooms for side sessions more appropriate for debate |

ANNEX IV

Final list of participants by organization

Annual Consultations with NGOs

Geneva, CICG

3 July - 5 July 2012

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