



**A THEMATIC  
COMPILATION OF  
EXECUTIVE COMMITTEE  
CONCLUSIONS**

**Office of the United Nations High Commissioner for Refugees  
Division of International Protection Services**

**4th edition, August 2009**

## KEY TO USING THE COMPILATION

This compilation consists of selected paragraphs of the Conclusions of UNHCR's Executive Committee grouped by subject. It seeks to show the progressive development of Executive Committee deliberations on a given topic over time, and to add a reference tool to the chronological arrangement of Executive Committee Conclusions already published by UNHCR.

The first edition of this compilation was published in 2001 to mark the 50<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees. The second edition included Executive Committee Conclusions from 1975, when they were first adopted, to 2004. The third edition included all Conclusions up to Conclusion No. 107 (LVIII) of October 2007. This fourth edition includes all Conclusions up to Conclusion No. 108 (LIX) of October 2008.

The compilation is separated into some 70 major chapters, arranged alphabetically. Many of the chapters are then divided into several subchapters, which are also arranged alphabetically.

The Conclusions are in chronological order within each subchapter, or within the chapter if there are no subchapters.

This document has been compiled by the Division of International Protection Services, Office of the United Nations High Commissioner for Refugees. It is available on Refworld at <http://www.refworld.org> and on the UNHCR website at <http://www.unhcr.org/protect/>.

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## ACCESS

### Access by UNHCR and Others

*The Executive Committee,*

#### **No. 33 (XXXV) – 1984**

(h) *Stressed* the importance of UNHCR's being granted access to asylum applicants and refugees in order to enable the Office to carry out its protection functions in an effective manner;

#### **No. 44 (XXXVII) – 1986**

(g) *Recommended* that refugees and asylum-seekers who are detained be provided with the opportunity to contact the Office of the United Nations High Commissioner for Refugees or, in the absence of such office, available national refugee assistance agencies;

#### **No. 48 (XXXVIII) – 1987**

4. *Urges* States and other parties to be guided by the following considerations in promoting measures to enhance the protection of refugee camps and settlements;

(d) States have a duty to co-operate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern.

#### **No. 75 (XLV) – 1994**

(i) *Calls* on the Governments concerned to ensure safe and timely humanitarian access to persons in need of protection and assistance, including the internally displaced and victims of armed conflict, as well as refugees within their territories;

#### **No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(iv) the need for rapid, unimpeded and safe UNHCR access to persons of concern to the High Commissioner;

#### **No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(ii) Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met;

(viii) In the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given

access to asylum-seekers in order to exercise its function of international protection, taking into account the well-being of persons entering reception or other refugee centres; and asylum-seekers are entitled to have access to UNHCR;

**No. 101 (LV) – 2004**

(q) *Reiterates* that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment in accordance with international standards, including as regards the fulfillment of amnesties, guarantees or assurances on the basis of which refugees have returned;

**No. 102 (LVI) – 2005**

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

(r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

**No. 108 (LIX) – 2008**

(d) *Stresses* the importance of UNHCR's being granted access to asylum applicants and refugees in order to enable the Office to carry out its protection functions in an effective manner, and *urges* States and other parties to be guided by their duty to cooperate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern;

## **Access to Asylum Procedures**

*The Executive Committee,*

**No. 71 (XLIV) – 1993**

(i) *Reiterates* the importance of establishing and ensuring access consistent with the 1951 Convention and the 1967 Protocol for all asylum-seekers to fair and efficient procedures for the determination of refugee status in order to ensure that refugees and other persons eligible for protection under international or national law are identified and granted protection;

**No. 74 (XLV) – 1994**

(i) *Reiterates* the importance of ensuring access for all persons seeking international protection to fair and efficient procedures for the determination of refugee status or other mechanisms, as appropriate, to ensure that persons in need of international protection are identified and granted such protection;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

- (ii) access, consistent with the 1951 Convention and the 1967 Protocol, of asylum-seekers to fair and effective procedures for determining status and protection needs;

**No. 85 (XLIX) – 1998**

(p) *Recognizes* that international solidarity and burden-sharing are of direct importance to the satisfactory implementation of refugee protection principles; stresses, however, in this regard, that access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community;

**No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

**No. 100 (LV) – 2004**

*Reaffirming* that access to asylum and the meeting by all States of their international protection obligations should not be dependent on burden and responsibility sharing arrangements first being in place, particularly because respect for human rights and humanitarian principles is a responsibility for all members of the international community,

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

**No. 107 (LVIII) – 2007 – Children at Risk**Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

## Denial of Access

*The Executive Committee,*

### No. 71 (XLIV) – 1993

- (f) *Notes* however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, *refoulement* and unjustified detention, as well as other threats to their physical security, dignity and well-being;

### No. 74 (XLV) – 1994

- (f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

### No. 85 (XLIX) – 1998

- (b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

### No. 97 (LIV) – 2003

- (a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

- (iv) Interception measures should not result in asylum-seekers and refugees being denied access to international protection, or result in those in need of international protection being returned, directly or indirectly, to the frontiers of territories where their life or freedom would be threatened on account of a Convention ground, or where the person has other grounds for protection based on international law. Intercepted persons found to be in need of international protection should have access to durable solutions;

## Rejection at Frontiers

*The Executive Committee,*

### No. 22 (XXXII) – 1981

#### II. Measures of Protection

##### A. Admission and Non-Refoulement

2. In all cases the fundamental principle of *non-refoulement* – including non-rejection at the frontier – must be scrupulously observed.

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

(iii) the need to admit refugees into the territories of States, which includes no rejection at frontiers without fair and effective procedures for determining status and protection needs;

**No. 85 (XLIX) – 1998**

(q) *Strongly deplors* the continuing incidence and often tragic humanitarian consequences of *refoulement* in all its forms, including through summary removals, occasionally en masse, and reiterates in this regard the need to admit refugees to the territory of States, which includes no rejection at frontiers without access to fair and effective procedures for determining their status and protection needs;

**No. 99 (LV) – 2004**

(l) *Expresses concern* at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and *calls* on States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

## Safe Country of Origin

*The Executive Committee,*

### **No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

## Safe Third Country

*The Executive Committee,*

### **No. 85 (XLIX) – 1998**

(aa) *Stresses* that, as regards the return to a third country of an asylum-seeker whose claim has yet to be determined from the territory of the country where the claim has been submitted, including pursuant to bilateral or multilateral readmission agreements, it should be established that the third country will treat the asylum-seeker(s) in accordance with accepted international standards, will ensure effective protection against *refoulement*, and will provide the asylum-seeker(s) with the possibility to seek and enjoy asylum;

### **No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

## States’ Readiness to Admit / Receive

*The Executive Committee,*

### **No. 65 (XLII) – 1991**

(b) *Welcomes* the continuing readiness of States to receive refugees and offer them protection, as well as to make available considerable resources to meet the needs of refugees, thus demonstrating their strong and continuing humanitarian commitment at the national and international levels;

### **No. 79 (XLVII) – 1996**

(b) *Reiterates* that the High Commissioner’s international protection function can only be carried out effectively with the full support of Governments, in particular through the provision of durable solutions; and welcomes the continued readiness of States to receive and protect refugees as well as to make available resources to meet refugee needs;

## AGE, GENDER AND DIVERSITY MAINSTREAMING

*The Executive Committee,*

### **No. 47 (XXXVIII) – 1987 – Refugee Children**

(r) *Recommended* regular and timely assessment and review of the needs of refugee children, either on an individual basis or through sample surveys, prepared in co-operation with the country of asylum, taking into account all relevant factors such as age, sex, personality, family, religion, social and cultural background and the situation of the local population, and benefiting from the active involvement of the refugee community itself;

### **No. 54 (XXXIX) – 1988**

*Requested* the High Commissioner to introduce further effective measures towards the integration of women's issues within the programme-planning cycle at all stages, in particular: check lists within technical sector guidelines, gender issues in the Executive Committee country chapters, detailed reference in the UNHCR Programme Manual. Also requested that all project documents submitted for funding purposes include a paragraph on its impact on the problems and special needs of refugee women and that the periodic narrative reports refer to this aspect as well;

### **No. 60 (XL) – 1989**

f) *Reaffirmed* the conclusions regarding refugee women of the Thirty-ninth Session of the Executive Committee, and stressed the ongoing need for active senior management support to coordinate, integrate and oversee the implementation of those conclusions. In this regard, fully encouraged the participation of senior managers in the forthcoming gender impact and analysis orientation seminar;

h) *Urged* the High Commissioner to develop a methodology for systematically addressing gender issues in refugee programmes and, as a basis for this, requested the High Commissioner to collect and analyze demographic, anthropological and socioeconomic information on refugee populations, in particular, data on gender roles and responsibilities and to ensure that such information is used in planning UNHCR programmes;

m) *Called on* operational partners to support the High Commissioner by: expanding their own activities in gender impact training, including provision for an assessment of impact on refugee women in their project agreements and self-evaluation reports, and exchanging information with other organizations having experience in women's issues.

### **No. 79 (XLVII) – 1996**

(o) *Recalls* its request that UNHCR support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, welcomes in this context the convening by UNHCR in February 1996 of the *Symposium on Gender-Based Persecution*, the purpose of which was to share information on States' initiatives in this respect, and encourages UNHCR to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution; and calls on States to adopt an approach that is sensitive to gender-related concerns and which ensures that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and its 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees;

**No. 87 (L) – 1999**

Special protection needs

(n) *Notes* with appreciation special efforts by States to incorporate gender perspectives into asylum policies, regulations and practices; *encourages* States, UNHCR and other concerned actors to promote wider acceptance, and inclusion in their protection criteria of the notion that persecution may be gender-related or effected through sexual violence; further *encourages* UNHCR and other concerned actors to develop, promote and implement guidelines, codes of conduct and training programmes on gender-related refugee issues, in order to support the mainstreaming of a gender perspective and enhance accountability for the implementation of gender policies;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

iii. Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 95 (LIV) – 2003**

(f) *Recognizes* the importance for States to promote an age and gender-sensitive approach in the application of international refugee instruments and for UNHCR to ensure consideration of age and gender in its policy making and operations through further mainstreaming;

**No. 97 (LIV) – 2003**

(b) *Encourages* States to generate and share more detailed information on interception, including numbers, nationalities, gender and numbers of minors intercepted, as well as information on State practice, having due consideration for security and data protection concerns subject to the domestic laws and international obligations of those States;

**No. 99 (LV) – 2004**

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner’s five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

(p) *Reiterates* the importance for UNHCR programmes of gender-sensitive planning and analysis and the value of structured dialogues with refugee women in order to better address their protection needs and safeguard their rights, and of working towards their empowerment, particularly through training and skills development; and *acknowledges* the importance of working with refugee men as well as with refugee women and other relevant actors to promote refugee women’s rights;



**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(viii) the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

**No. 101 (LV) – 2004 – Legal Safety Issues in the Context of Voluntary Repatriation of Refugees**

*Acknowledging* the importance of promoting an age- and gender-sensitive approach in all aspects of refugee return processes; and, in this regard, *encouraging* UNHCR to develop appropriate standards and indicators that account for such factors in repatriation and reintegration programmes,

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

**No. 104 (LVI) – 2005 – Local Integration**

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

(p) *Encourages* UNHCR to develop and apply appropriate standards and indicators that account for age and gender considerations in local integration and self-reliance programs;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Preventive strategies

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;
- ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;
- iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;
- iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;
- v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;
- vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Preventive strategies

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

- i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;
- ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and
- iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

viii. The active promotion of gender equality is essential to the protection of girls and boys, particularly those at heightened risk;

xii. A two-pronged approach comprising: (1) mainstreaming of age, gender and diversity into all UNHCR programmes, policies and operations, and (2) targeted action, to ensure that all children, girls and boys of diverse backgrounds, can enjoy protection on an equal basis; and

Identification of children at risk

(f) *Recognizes* that the systematic collection and analysis of age- and sex-disaggregated data, and of data on children with specific needs, such as unaccompanied and separated children, can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

**No. 108 (LIX) – 2008**

Age, gender and diversity mainstreaming approach

(f) *Commends* UNHCR for further pursuing its age, gender and diversity mainstreaming (AGDM) approach aimed at ensuring gender equality and equal enjoyment of rights, regardless of age, gender or background;

(g) *Welcomes* the AGDM Accountability Framework, and *urges* the Office to address resolutely all outstanding obstacles to embedding the strategy more comprehensively within and across the organization, resourcing as fully as possible the priorities in this area and expanding and deepening partnerships;

(h) *Recognizes* the importance for States to promote an age, gender and diversity-sensitive approach, taking into account such information in the implementation of applicable international refugee instruments;

## ASYLUM

### Conclusions Specific to Asylum

*The Executive Committee,*

#### **No. 5 (XXVIII) – 1977 – Asylum**

- (a) *Noted* with satisfaction the report of the High Commissioner that States have generally continued to follow liberal asylum practices;
- (b) *Concerned*, however, that according to the report of the High Commissioner cases continue to occur in which asylum-seekers have encountered serious difficulties in finding a country willing to grant them even temporary refuge and that refusal of permanent or temporary asylum has led in a number of cases to serious consequences for the persons concerned;
- (c) *Requested* the High Commissioner to draw the attention of Governments to the various international instruments existing in the field of asylum and reiterated the fundamental importance of these instruments from a humanitarian standpoint;
- (d) *Appealed* to Governments to follow, or continue to follow, liberal practices in granting permanent or at least temporary asylum to refugees who have come directly to their territory;
- (e) *Called* on Governments to co-operate, in a spirit of international solidarity, with the High Commissioner in the performance of his functions – especially with respect to asylum – in accordance with General Assembly Resolution 428(V) of 14 December 1950.

#### **No. 15 (XXX) – 1979 – Refugees without an Asylum Country**

- (a) States should use their best endeavours to grant asylum to bona fide asylum-seekers;
- (b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of *non-refoulement*;
- (c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum;
- (d) Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin;
- (e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted;
- (f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;

(g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the first asylum country is equitably shared;

(h) An effort should be made to resolve the problem of identifying the country responsible for examining an asylum request by the adoption of common criteria. In elaborating such criteria the following principles should be observed:

(i) The criteria should make it possible to identify in a positive manner the country which is responsible for examining an asylum request and to whose authorities the asylum-seeker should have the possibility of addressing himself;

(ii) The criteria should be of such a character as to avoid possible disagreement between States as to which of them should be responsible for examining an asylum request and should take into account the duration and nature of any sojourn of the asylum-seeker in other countries;

(iii) The intentions of the asylum-seeker as regards the country in which he wishes to request asylum should as far as possible be taken into account;

(iv) Regard should be had to the concept that asylum should not be refused solely on the ground that it could be sought from another State. Where, however, it appears that a person, before requesting asylum, already has a connection or close links with another State, he may if it appears fair and reasonable be called upon first to request asylum from that State;

(v) Reestablishment of criteria should be accompanied by arrangements for regular consultation between concerned Governments for dealing with cases for which no solution has been found and for consultation with the Office of the United Nations High Commissioner for Refugees as appropriate;

(vi) Agreements providing for the return by States of persons who have entered their territory from another contracting State in an unlawful manner should be applied in respect of asylum-seekers with due regard to their special situation.

(i) While asylum-seekers may be required to submit their asylum request within a certain time limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to an asylum request being excluded from consideration;

(j) In line with the recommendation adopted by the Executive Committee at its twenty-eighth session (document A/AC.96/549, paragraph 53(6), (E) (i)), where an asylum-seeker addresses himself in the first instance to a frontier authority the latter should not reject his application without reference to a central authority;

(k) Where a refugee who has already been granted asylum in one country requests asylum in another country on the ground that he has compelling reasons for leaving his present asylum country due to fear of persecution or because his physical safety or freedom are endangered, the authorities of the second country should give favourable consideration to his asylum request;

(l) States should give favourable consideration to accepting, at the request of the Office of the United Nations High Commissioner for Refugees, a limited number of refugees who cannot find asylum in any country;

(m) States should pay particular attention to the need for avoiding situations in which a refugee loses his right to reside in or to return to his country of asylum without having acquired the

possibility of taking up residence in a country other than one where he may have reasons to fear persecution;

(n) In line with the purpose of paragraphs 6 and 11 of the Schedule to the 1951 Convention, States should continue to extend the validity of or to renew refugee travel documents until the refugee has taken up lawful residence in the territory of another State. A similar practice should as far as possible also be applied in respect of refugees holding a travel document other than that provided for in the 1951 Convention

#### **No. 82 (XLVIII) – 1997 – Conclusion on Safeguarding Asylum**

(a) *Recalls* the fundamental importance of the High Commissioner's international protection function;

(b) *Reaffirms* that the institution of asylum, which derives directly from the right to seek and enjoy asylum set out in Article 14 (1) of the 1948 Universal Declaration of Human Rights, is among the most basic mechanisms for the international protection of refugees;

(c) *Notes* with concern that the growing complexity of refugee crises poses serious and novel challenges to the institution of asylum;

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

(ii) access, consistent with the 1951 Convention and the 1967 Protocol, of asylum-seekers to fair and effective procedures for determining status and protection needs;

(iii) the need to admit refugees into the territories of States, which includes no rejection at frontiers without fair and effective procedures for determining status and protection needs;

(iv) the need for rapid, unimpeded and safe UNHCR access to persons of concern to the High Commissioner;

(v) the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention and in other relevant international instruments, to ensure that the integrity of the asylum institution is not abused by the extension of protection to those who are not entitled to it;

(vi) the obligation to treat asylum-seekers and refugees in accordance with applicable human rights and refugee law standards as set out in relevant international instruments;

(vii) the responsibility of host States, working, where appropriate, with international organizations, to identify and separate any armed or military elements from refugee populations, and to settle refugees in secure locations at a reasonable distance, to the extent possible, from the frontier of the country of origin, with a view to safeguarding the peaceful nature of asylum;

(viii) the duty of refugees, and of asylum-seekers, to respect and abide by the laws of host States;

(e) *Calls upon* all concerned parties to respect and comply with the precepts on which the institution of asylum is based, and to implement their obligations in a spirit of true humanitarianism, international solidarity and burden-sharing.

#### **No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

#### **No. 99 (LV) – 2004**

(g) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

#### **No. 102 (LVI) – 2005**

(i) *Recalls* its Conclusion No. 82 (XLVIII) on Safeguarding Asylum; *reiterates* the fundamental importance of the High Commissioner's international protection function; and *emphasizes* the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention to ensure that the institution of asylum is not abused by the extension of protection to those who are not entitled to it;

### **Declaration on Territorial Asylum**

*The Executive Committee,*

#### **No. 19 (XXXI) – 1980**

(d) *Stressed* the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol, and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

### **Draft Convention on Territorial Asylum**

*The Executive Committee,*

#### **No. 1 (XXVI) – 1975**

(d) *Considered* that a conference of plenipotentiaries should be convened, as envisaged, to consider the draft Convention on Territorial Asylum, and recommended that the cost involved in this conference be borne from the regular budget of the United Nations

## First Country of Asylum

*The Executive Committee,*

### **No. 2 (XXVII) – 1976**

(f) *Was deeply concerned* at the fate of asylum-seekers who had left their country in small boats and were in need of rescue or admission to a country of first asylum and eventually of final settlement;

### **No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

(g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the first asylum country is equitably shared;

### **No. 87 (L) – 1999**

(l) *Reaffirms* Conclusion No. 58 (XL) on irregular movements; notes with concern that refugees who have already found and continue to enjoy protection in a first country of asylum continue to move in an irregular manner to other countries on a significant scale; and encourages UNHCR, States and other relevant actors to enhance cooperation to address the causes of such movements, in particular with a view to ensuring treatment of asylum-seekers and refugees in accordance with the highest possible standards of protection in first countries of asylum, and to creating awareness as to the risks and dangers linked to irregular movements, notably exploitation by traffickers; and further encourages UNHCR to work with transit and destination countries to ensure that the protection and assistance needs of such asylum-seekers and refugees are met;

## Institution / Character of Asylum

*The Executive Committee,*

### **No. 48 (XXXVIII) – 1987**

*Predicating* this Conclusion on the assumption, *inter alia*, that refugee camps and settlements have an exclusively civilian and humanitarian character and on the principle that the grant of asylum or refuge is a peaceful and humanitarian act that is not to be regarded as unfriendly by another State; hoping to assist in guaranteeing the safety of refugees and asylum-seekers, as well as to reinforce their rights, obligations and responsibilities and those of States and international organizations pursuant to relevant rules and principles of international law; and underlining that the rights and responsibilities of States pursuant to the Charter of the United Nations and relevant rules and principles of international law, including international humanitarian law, remained unaltered;

### **No. 50 (XXXIX) – 1988**

(c) *Stressed* that States must continue to be guided, in their treatment of refugees, by existing international law and humanitarian principles and practice bearing in mind the moral dimension of providing refugee protection;

### **No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees,



to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 68 (XLIII) – 1992**

(f) *Reaffirms* the primary importance of the principles of *non-refoulement* and asylum as basic to refugee protection;

(o) *Takes note* of the fact that UNHCR's broad humanitarian expertise and experience have proved to be an appropriate basis for the Office to explore new options or undertake new protection activities, in specific situations, in the areas of asylum, prevention and solutions, consistent with requests to it, where required, with the fundamental protection principles, and with its mandate, and in coordination with other United Nations organs;

**No. 71 (XLIV) – 1993**

(g) *Calls upon* States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of *non-refoulement*;

(j) *Recognizes* that in certain regions the arrival and presence of large numbers of applicants for asylum and refugee status who have no valid claim to international protection creates serious problems both for refugees and for the States concerned by adversely affecting the institution of asylum, jeopardizing the effectiveness of national procedures for the determination of refugee status, and preventing the prompt and effective protection of refugees;

(u) *Reiterates* that UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined;

**No. 74 (XLV) – 1994**

(g) *Calls again upon* States to uphold and strengthen asylum as an indispensable instrument for the international protection of refugees, to respect scrupulously the fundamental principle of *non-refoulement*, and to make every effort to ensure the safety and well-being of refugees within their jurisdiction;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

**No. 82 (XLVIII) – 1997**

(b) *Reaffirms* that the institution of asylum, which derives directly from the right to seek and enjoy asylum set out in Article 14 (1) of the 1948 Universal Declaration of Human Rights, is among the most basic mechanisms for the international protection of refugees;

(c) *Notes with concern* that the growing complexity of refugee crises poses serious and novel challenges to the institution of asylum;

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

**No. 85 (XLIX) – 1998**

(f) *Notes* that the 50th anniversary of the Universal Declaration of Human Rights is being commemorated this year and reaffirms that the institution of asylum, which derives directly from the right to seek and enjoy asylum from persecution set out in Article 14 of the Declaration, is among the most basic mechanisms for the protection of refugees;

(n) *Underlines* the utmost significance to refugee protection of the institution of asylum, which serves the purpose of providing a structured framework for protection and assistance to persons in need of international protection, while ensuring that appropriate durable solutions can be achieved;

**No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

**No. 93 (LIII) – 2002**

*Acknowledging* that asylum systems are different, entailing assistance in kind or financial assistance, or a combination of both, as well as involving both governmental and non-governmental actors,

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

**No. 94 (LIII) – 2002**

*Welcoming* the discussion which took place on the civilian character of asylum in the context of the Global Consultations on International Protection,<sup>[3]</sup>

*Noting* that several international meetings have recently been held, aimed at identifying effective operational strategies for maintaining the civilian and humanitarian character of asylum,<sup>[4]</sup>

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of

prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

(a) *Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, *inter alia*, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(i) Respect for the right to seek asylum, and for the fundamental principle of *non-refoulement*, should be maintained at all times;

<sup>[3]</sup> EC/GC/01/8/Rev.1.

<sup>[4]</sup> Workshop on the Potential of International Police in Refugee Camp Security (Ottawa, Canada, March 2001); Regional Symposium on Maintaining the Civilian and Humanitarian Character of Refugee Status, Camps and other locations (Pretoria, South Africa, February 2001); International Seminar on Exploring the Role of the Military in Refugee Camp Security (Oxford, UK, July 2001).

#### **No. 96 (LIV) – 2003**

*Concerned* by the difficulties experienced by many countries of asylum in different parts of the world in effecting the return of persons found not to be in need of international protection, which have served to undermine the integrity of individual asylum systems;

(b) *Emphasizes* that the credibility of individual asylum systems is seriously affected by the lack of prompt return of those who are found not to be in need of international protection;

#### **No. 99 (LV) – 2004**

(n) *Reiterates* that the grant of asylum to refugees is a peaceful and humanitarian act, and that all actors are obliged to abstain from any activity which serves to undermine this; *recalls* its Conclusion No. 94 (LIII) on the civilian and humanitarian character of asylum and the useful discussions which took place on this subject in the context of the Global Consultations on International Protection; *welcomes* the convening by UNHCR of an expert round table in June 2004 which explored these issues further; and *encourages* UNHCR, in consultation with States and other relevant actors, to continue this process with a view to elaborating measures for the disarmament of armed elements and the identification, separation and internment of combatants;

#### **No. 103 (LVI) – 2005**

(d) *Reiterates* the need to ensure that the integrity of the asylum system is not abused by the extension of refugee protection to those who are not entitled to it and to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention and in other relevant international instruments;

**No. 104 (LVI) – 2005**

*Recalling* Executive Committee Conclusion No. 15, that decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion or membership of a particular social group, nationality or country of origin; and *acknowledging* in this context that integration potential should not be a criterion for granting asylum,

**Liberal Asylum Practices**

*The Executive Committee,*

**No. 5 (XXVIII) – 1977**

(a) *Noted with satisfaction* the report of the High Commissioner that States have generally continued to follow liberal asylum practices;

**No. 11 (XXIX) – 1978**

(e) *Reaffirmed* the principle of international solidarity as a primary condition for the practice of liberal asylum policies and for the effective implementation of international protection in general;

**No. 33 (XXXV) – 1984**

(f) *Expressed satisfaction* that despite these disquieting trends, States continue to grant asylum to large numbers of refugees and ensure that they are treated in accordance with recognized international humanitarian standards;

**No. 36 (XXXVI) – 1985**

(i) *Welcomed* the fact that States in many parts of the world, including States confronted with economic and developmental difficulties, continue to grant asylum to large numbers of refugees;

**No. 71 (XLIV) – 1993**

(e) *Notes with appreciation* that States confronted with refugee situations, including in particular developing countries with limited resources, continue to observe the fundamental principles of international protection, admitting and providing asylum to more than eighteen million refugees, and welcomes the continuing strong commitment of States to provide protection and assistance to refugees and to cooperate with the High Commissioner in the discharge of her international protection responsibilities;

**No. 81 (XLVIII) – 1997**

(a) *Welcomes* the fact that despite the increasing complexity of refugee crises, States in many parts of the world continue to grant asylum to refugees, both on an individual basis and in situations of mass influx;

(m) *Notes with appreciation* that a number of States not party to the 1951 Convention and its 1967 Protocol continue to maintain a generous approach to asylum; nevertheless, considering that over fifty States have yet to accede to these instruments, encourages the High Commissioner to continue to promote further accessions; and urges all States that have not yet done so to accede to and implement fully these instruments, as well as relevant regional instruments for the protection of refugees, where applicable, thereby strengthening the framework of international protection;

**No. 85 (XLIX) – 1998**

(a) *Welcomes* that many States continue to grant asylum to refugees, both on an individual basis and in situations of mass influx, in accordance with international law and with internationally established principles and standards, but deplors the numerous and serious breaches of such law, principles and standards by some States;

**No. 87 (L) – 1999**

(b) *Reaffirms* relevant Conclusions, notably Conclusion No. 81 (XLVIII), para (j), in which the heavy burden carried in particular by developing countries is recognized; and notes with appreciation that a large number of developing countries, countries in transition and other countries with limited resources, which, due to their location, host large numbers of refugees and asylum seekers, continue to grant asylum and protection to refugees in accordance with international law and established principles and standards;

**Restrictive Asylum Practices**

*The Executive Committee,*

**No. 11 (XXIX) – 1978**

(d) *Recalled* the Conclusions adopted at the twenty-eighth session regarding asylum and expressed concern that refugees still encountered difficulties in obtaining permanent or even temporary asylum in certain areas;

**No. 25 (XXXIII) – 1982**

(d) *Recognized* the concern of Governments resulting from large scale flows of persons and current recessionary trends in different areas of the world; expressed the hope, however, that these various developments would not lead to restrictive practices in the granting of asylum or in the application of the refugee concept, nor to an undermining of the essential principles of international protection;

**No. 29 (XXXIV) – 1983**

(e) *Noted also with concern* that the exercise of the High Commissioner's international protection function has been rendered more difficult in many areas of the world by restrictive trends relating to the granting of asylum and the determination of refugee status;

**No. 33 (XXXV) – 1984**

(d) *Noted with deep regret* that restrictive practices were being followed with respect to the granting of asylum, the determination of refugee status and the treatment of asylum-seekers and refugees;

**Right to Seek Asylum**

*The Executive Committee,*

**No. 52 (XXXIX) – 1988**

5. *Invited* all States to continue actively to support the protection functions of the High Commissioner through all appropriate means, both bilateral and multilateral, as well as to abide by their own humanitarian responsibilities towards refugees, including, particularly, to safeguard the

right to seek and enjoy asylum from persecution and to ensure full respect for the principle of *non-refoulement*.

**No. 71 (XLIV) – 1993**

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

**No. 75 (XLV) – 1994**

(l) *Emphasizes* that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

**No. 77 (XLVI) – 1995**

(a) *Distressed* at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of *non-refoulement*, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;

**No. 85 (XLIX) – 1998**

(f) *Notes* that the 50th anniversary of the Universal Declaration of Human Rights is being commemorated this year and reaffirms that the institution of asylum, which derives directly from the right to seek and enjoy asylum from persecution set out in Article 14 of the Declaration, is among the most basic mechanisms for the protection of refugees;

**No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(i) Respect for the right to seek asylum, and for the fundamental principle of *non-refoulement*, should be maintained at all times;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(iii) Interception measures should take into account the fundamental difference, under international law, between those who seek and are in need of international protection, and those who can resort to the protection of their country of nationality or of another country;

**No. 101 (LV) – 2004**

(f) *Strongly urges* countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

**No. 103 (LVI) – 2005**

*Reaffirming* the principle that all human beings shall enjoy human rights and fundamental freedoms without discrimination, including the right to seek and enjoy asylum,

**No. 108 (LIX) – 2008**

*The Executive Committee,*

*Reiterating*, in the 60th anniversary year of the Universal Declaration of Human Rights, the enduring importance of freedom of movement and residence within the borders of each State, of the right to seek and enjoy asylum in other countries from persecution and of the right to a nationality, enshrined in Articles 13, 14 and 15 of the Declaration; and *recognizing* the importance of the rights in the Declaration to all persons of concern to UNHCR,

## **ASYLUM-SEEKERS AT SEA / RESCUE AT SEA**

*The Executive Committee,*

### **No. 2 (XXVII) – 1976**

(f) *Was deeply concerned* at the fate of asylum-seekers who had left their country in small boats and were in need of rescue or admission to a country of first asylum and eventually of final settlement;

(g) *Appealed* to States scrupulously to observe the legal provisions relating to the rescue of persons at sea, as contained in the Brussels Convention of 1910 and the United Nations Convention on the High Seas of 1958, and urged States to make every possible effort to ensure that the provisions of these legal instruments be respected by ship masters under all circumstances;

(h) *Further appealed* to States:

(i) To grant first asylum to refugees and displaced persons rescued at sea or who had come directly by sea; and

(ii) To offer resettlement opportunities to those who had been unable to obtain permanent residence in the State of first asylum;

### **No. 14 (XXX) – 1979**

(c) *Noted with concern* that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of *non-refoulement* and that refugees arriving by sea had been refused even temporary asylum with resulting danger to their lives and had in many cases perished on the high seas;

(d) *Called upon* all States to ensure that masters of vessels sailing under their flag scrupulously observed established rules regarding rescue at sea, and to take all necessary action to rescue refugees and displaced persons leaving their country of origin on boats in order to seek asylum and who are in distress;

### **No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

(c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum;

### **No. 20 (XXXI) – 1980 – Protection of Asylum-Seekers at Sea**

(a) *Noted* with grave concern the continuing incidence of criminal attacks on refugees and asylum-seekers in different areas of the world, including military attacks on refugee camps and on asylum-seekers at sea;

(b) *Expressed* particular concern regarding criminal attacks on asylum-seekers at sea in the South China Sea involving extreme violence and indescribable acts of physical and moral degradation, including rape, abduction and murder;



(c) *Addressed* an urgent call to all interested Governments to take appropriate action to prevent such criminal attacks whether occurring on the high seas or in their territorial waters;

(d) *Stressed* the desirability for the following measures to be taken by Governments with a view to preventing the recurrence of such criminal attacks:

(i) increased governmental action in the region to prevent attacks on boats carrying asylum-seekers, including increased sea and air patrols over areas where such attacks occur;

(ii) adoption of all necessary measures to ensure that those responsible for such criminal attacks are severely punished;

(iii) increased efforts to detect land bases from which such attacks on asylum-seekers originate and to identify persons known to have taken part in such attacks and to ensure that they are prosecuted;

(iv) establishment of procedures for the routine exchange of information concerning attacks on asylum-seekers at sea and for the apprehension of those responsible, and cooperation between Governments for the regular exchange of general information on the matter;

(e) *Called upon* Governments to give full effect to the rules of general international law – as expressed in the Geneva Convention on the High Seas of 1958 – relating to the suppression of piracy;

(f) *Urged* Governments to co-operate with each other and with UNHCR to ensure that all necessary assistance is provided to the victims of such criminal attacks;

(g) *Called upon* the United Nations High Commissioner for Refugees in co-operation with the International Committee of the Red Cross and other interested organizations actively to seek the co-operation of the international community to intensify efforts aimed at protecting refugees who are victims of acts of violence, particularly those at sea.

#### **No. 21 (XXXII) – 1981**

(g) *Expressed* its serious preoccupation that while a certain measure of progress had been achieved in this matter, asylum seekers at sea continued to be the victims of piracy attacks and called upon the High Commissioner, in co-operation with the International Committee of the Red Cross and other interested organizations and Governments to seek the support of the international community for the continuation and intensification of efforts to protect refugees from acts of violence at sea and to assist the victims;

#### **No. 23 (XXXII) – 1981 – Problems Related to the Rescue of Asylum-Seekers in Distress at Sea**

1. It is recalled that there is a fundamental obligation under international law for ships' masters to rescue any persons in distress at sea, including asylum seekers, and to render them all necessary assistance. Seafaring States should take all appropriate measures to ensure that masters of vessels observe this obligation strictly.

2. Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.

4. As a result of concerted efforts by many countries, large numbers of resettlement opportunities have been, and continue to be, provided for boat people. In view of this development, the question arises as to whether the first port of call countries might wish to examine their present policy of requiring resettlement guarantees as a precondition for disembarkation. Pending a review of practice by coastal States, it is of course desirable that present arrangements for facilitating disembarkation be continued.

5. In view of the complexity of the problems arising from the rescue, disembarkation and resettlement of asylum seekers at sea, the High Commissioner is requested to convene at an early opportunity a working group comprising representatives of the maritime States and the coastal States most concerned, potential countries of resettlement, and representatives of international bodies competent in this field. The working group should study the various problems mentioned and elaborate principles and measures which would provide a solution and should submit a report on the matter to the Executive Committee at its thirty-third session.

**No. 25 (XXXIII) – 1982**

(c) *Expressed* concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

**No. 26 (XXXIII) – 1982 – Report of the Working Group on Problems related to the Rescue of Asylum-Seekers in Distress at Sea**

(a) *Noted* the report of the Working Group of Experts on the Rescue of Asylum-Seekers at Sea (EC/SCP/21);

(b) *Reiterated* the fundamental character of the obligation to rescue asylum-seekers in distress at sea;

(c) *Stressed* the importance for coastal States, flag States, countries of resettlement and the international community as a whole to take appropriate steps to facilitate the fulfilment of this obligation in its various aspects;

(d) *Considered* that solution of the problems connected with the rescue of asylum-seekers at sea should not only be sought in the context of legal norms but also through practical arrangements aimed at removing as far as possible the difficulties which have been encountered;

(e) *Noted* that the report of the Working Group of Experts contained a number of suggestions aimed at achieving such arrangements and called upon UNHCR to examine the feasibility of these suggestions;

(f) *Noted* the preliminary report submitted by the High Commissioner (EC/SCP/24) and requested UNHCR to continue its study of the matter and to submit a report to the Executive Committee at its thirty-fourth session, through its Sub-Committee on International Protection.

**No. 29 (XXXIV) – 1983**

(d) *Noted*, however, with particular concern that in various regions the physical safety of refugees and asylum-seekers has been seriously violated through military or armed attacks, acts of piracy and other forms of brutality and the failure to rescue asylum-seekers in distress at sea;

**No. 31 (XXXIV) – 1983 – Rescue of Asylum-Seekers in Distress at Sea**

(a) *Noted* with concern that, according to available statistics as contained in document (EC/SCP/30), significantly fewer numbers of asylum-seekers in distress at sea are being rescued;

(b) *Welcomed* the initiatives undertaken by UNHCR to meet this grave problem by promoting measures to facilitate the rescue of asylum seekers in distress at sea and expressed the hope that those initiatives would receive the widest possible support of governments;

(c) *Recommended* that States seriously consider supporting the efforts of UNHCR to promote the Rescue at Sea Resettlement Offers (RASRO) scheme, as described in document (EC/SCP/30), and providing the necessary quotas and other undertakings to enable UNHCR to initiate the scheme on a trial basis;

(d) *Welcomed* the support given by States to the DISERO scheme;

(e) *Commended* the initiatives undertaken by UNHCR in co-operation with the International Maritime Organization aimed at identifying joint action for facilitating the rescue of asylum-seekers in distress at sea.

**No. 33 (XXXV) – 1984**

(e) *Noted* with particularly grave concern the continuing serious violations or disregard of the physical safety of refugees and asylum seekers in various regions of the world, including military or armed attacks, acts of piracy and the failure to rescue asylum-seekers in distress at sea;

**No. 34 (XXXV) – 1984**

(a) *Noted* with concern that rescue of asylum-seekers in distress at sea has decreased significantly in 1983 and again in 1984;

(b) *Recalled* the Conclusion on the Rescue of Asylum-Seekers at Sea adopted by the Executive Committee at its thirty-fourth session recognizing the need for promoting measures for facilitating the rescue of asylum-seekers in distress at sea;

(c) *Welcomed* the actions taken by UNHCR to draw attention to the continued need to rescue asylum-seekers in distress at sea and expressed the hope that these actions would receive the widest possible support of Governments;

(d) *Strongly recommended* that the Rescue at Sea Resettlement Offers (RASRO) Scheme be implemented on a trial basis as soon as possible and that additional resettlement places be provided as a matter of urgency;

(e) *Recognized* the need for continued support for the DISERO (Disembarkation Resettlement Offers) Scheme and recommended that States renew their contributions to this scheme.

**No. 36 (XXXVI) – 1985**

(f) *Noted* with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of

the world had continued to be disregarded and that in particular refugees are being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and *refoulement*;

**No. 38 (XXXVI) – 1985 – Rescue of Asylum-Seekers in Distress at Sea**

(a) *Reaffirmed* the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;

(b) *Recalled* the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea [No. 20, No. 23, No. 26, No. 31, No. 34];

(c) *Expressed* satisfaction that the rescue of asylum-seekers in distress at sea has increased significantly in 1985 but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;

(d) *Welcomed* the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;

(e) *Welcomed* the wide-ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;

(f) *Strongly recommended* that States maintain their support of UNHCR action in this area and, in particular, that they:

(i) join or renew contributions to the DISERO (Disembarkation Resettlement Offers) and to the RASRO (Rescue at Sea Resettlement Offers) schemes, or to either of them, as soon as possible;

(ii) request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

**No. 41 (XXXVII) – 1986**

(j) *Noted* with concern that in different areas of the world, the basic rights of refugees and asylum-seekers have been seriously violated and that refugees and asylum-seekers have been exposed to physical violence, acts of piracy and forcible return to their country of origin in disregard of the principle of *non-refoulement*;

**No. 46 (XXXVIII) – 1987**

(f) *Reiterated* the High Commissioner's leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks, and arbitrary detention;

**No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

**No. 97 (LIV) – 2003**

*Recalling* also the duty of States and shipmasters to ensure the safety of life at sea and to come to the aid of those in distress or in danger of being lost at sea, as contained in numerous instruments of the codified system of international maritime law<sup>[5]</sup>; *recalling also* Conclusions of the Executive Committee of relevance to the particular needs of asylum-seekers and refugees in distress at sea<sup>[6]</sup> and *affirming* that when vessels respond to persons in distress at sea, they are not engaged in interception;

<sup>[5]</sup> Including *inter alia* the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, 1974, as amended and the International Convention on Maritime Search and Rescue, 1979, as amended.

<sup>[6]</sup> In particular No. 15(XXX), No. 20(XXXI), No. 23(XXXII), No. 26 (XXXIII), No. 31 (XXXIV), No. 34 (XXXV) and No. 38 (XXXVI).

## **BURDEN AND RESPONSIBILITY SHARING / INTERNATIONAL COOPERATION OF STATES**

### **Access / Asylum**

*The Executive Committee,*

#### **No. 11 (XXIX) – 1978**

(e) *Reaffirmed* the principle of international solidarity as a primary condition for the practice of liberal asylum policies and for the effective implementation of international protection in general;

#### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### II. B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(c) they should receive all necessary assistance and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform with the principles of international solidarity and burden-sharing;

#### **No. 67 (XLII) – 1991**

(a) *Calls on* governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;

#### **No. 85 (XLIX) – 1998**

(p) *Recognizes* that international solidarity and burden-sharing are of direct importance to the satisfactory implementation of refugee protection principles; stresses, however, in this regard, that access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community;

#### **No. 90 (LII) – 2001**

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

**No. 93 (LIII) – 2002**

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

**No. 102 (LVI) – 2005**

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

**Burden of (First) Countries of Asylum / Mass Influx**

*The Executive Committee,*

**No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

Situations involving a large-scale influx of asylum-seekers

(f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;

(g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the first asylum country is equitably shared;

**No. 19 (XXXI) – 1980**

(b) *Recalled* the conclusions on the question of temporary refuge adopted by the Executive Committee at its thirtieth session and, in particular:

(ii) that States which, because of their geographical situation or otherwise, are faced with a large-scale influx, should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing;

**No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum-seekers in situations of large-scale influx.

I. General

3. It is therefore imperative to ensure that asylum seekers are fully protected in large-scale influx situations, to reaffirm the basic minimum standards for their treatment pending arrangements for a durable solution, and to establish effective arrangements in the context of international solidarity and burden-sharing for assisting countries which receive large numbers of asylum seekers.

IV. International solidarity, burden-sharing and duties of States

(1) A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.

(2) Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

(3) Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.

(4) The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

(5) Consideration should be given to the strengthening of existing mechanisms and, if appropriate, the setting up of new arrangements, if possible on a permanent basis, to ensure that the necessary funds and other material and technical assistance are immediately made available.

(6) In a spirit of international solidarity, Governments should also seek to ensure that the causes leading to large-scale influxes of asylum seekers are as far as possible removed and, where such influxes have occurred, that conditions favourable to voluntary repatriation are established.

**No. 61 (XLI) – 1990**

(g) *Notes* that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the High Commissioner to continue efforts to share the task of providing assistance and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

**No. 68 (XLIII) – 1992**

(u) *Acknowledges* that the realization of solutions in a growing number of mass outflow situations is much facilitated where these are made an integral part of a comprehensive plan of action, which balances the interests of affected States and the rights and needs of individuals and, accordingly,



encourages UNHCR to work together with States and other interested organizations to explore new solutions-oriented approaches, which might include temporary protection and necessary arrangements for burden-sharing, when a situation so requires;

**No. 71 (XLIV) – 1993**

(h) *Stresses* the importance of international solidarity and burden-sharing in reinforcing the international protection of refugees, and calls upon all States in conjunction with UNHCR to cooperate in efforts to lighten the burden borne by States that have received large numbers of refugees and asylum-seekers;

**No. 74 (XLV) – 1994**

(h) *Stresses* the importance of international solidarity and burden-sharing in reinforcing the protection of refugees, and calls upon all States to take an active part, in collaboration with UNHCR, in efforts to assist countries, in particular those with limited resources, that receive and care for large numbers of refugees and asylum-seekers;

**No. 77 (XLVI) – 1995**

(h) *Condemns* all forms of ethnic violence and intolerance, which are among the major causes of forced displacements as well as an impediment to durable solutions to refugee problems; and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

(o) *Calls on* all States to manifest their international solidarity and burden-sharing with countries of asylum, in particular those with limited resources, both politically and in other tangible ways which reinforce their capacity to maintain generous asylum policies, through cooperation in conjunction with UNHCR to support the maintenance of agreed standards in respect of the rights of refugees; reiterates the critical importance of development and rehabilitation assistance in addressing some of the causes of refugee situations, as well as their solutions, including voluntary repatriation when deemed appropriate; and also in the context of development of prevention strategies;

**No. 79 (XLVII) – 1996**

(h) *Recognizes* that countries of asylum carry a heavy burden, including in particular developing countries with limited resources and those which, due to their location, host large numbers of refugees and asylum-seekers; reiterates in this regard its commitment to uphold the principles of international solidarity and burden-sharing and calls on Governments and UNHCR to continue to respond to the assistance needs of refugees until durable solutions are found;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(iv) measures to reinforce international solidarity and burden-sharing

**No. 81 (XLVIII) – 1997**

(j) *Recognizes* that countries of asylum carry a heavy burden, including, in particular, developing countries, countries in transition, and countries with limited resources, which, due to their location, host large numbers of refugees and asylum-seekers; reiterates in this regard its commitment to

uphold the principles of international solidarity and burden-sharing, and calls on Governments, UNHCR and the international community to continue to respond to the assistance needs of refugees until durable solutions are found;

**No. 85 (XLIX) – 1998**

(o) *Reiterates* its commitment to uphold the principles of international solidarity and burden-sharing, reaffirms the need for resources to be mobilized to assist countries receiving refugees, particularly developing countries who host the large majority of the world's refugees and bear a heavy burden in this regard, and calls upon Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found;

**No. 87 (L) – 1999**

(b) *Reaffirms* relevant Conclusions, notably Conclusion No. 81 (XLVIII), para (j), in which the heavy burden carried in particular by developing countries is recognized; and notes with appreciation that a large number of developing countries, countries in transition and other countries with limited resources, which, due to their location, host large numbers of refugees and asylum seekers, continue to grant asylum and protection to refugees in accordance with international law and established principles and standards;

(c) *Reaffirms* its Conclusion No. 85 (XLIX), para (o), committing itself to uphold the principle of international solidarity and burden-sharing; expresses strong appreciation for instances where those principles were put into concrete action during the past year; and further encourages States and UNHCR to continue their efforts to give wider effect to these important principles;

**No. 89 (LI) – 2000**

*Recognizing* that countries of asylum carry a heavy burden, in particular, developing countries, countries in transition and countries with limited resources which host large numbers of refugees and asylum-seekers; reiterating in this regard its strong commitment to international solidarity, burden-sharing and international cooperation to share responsibilities; and reaffirming UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries, and in mobilizing assistance from the international community to address the impact of large-scale refugee populations;

**No. 90 (LII) – 2001**

(d) *Recognizes* that some countries of asylum, in particular developing countries and countries in transition which host large numbers of refugees and asylum-seekers carry a heavy burden;

(f) *Reiterates* its strong commitment to international solidarity, burden-sharing and international cooperation to share responsibilities; *stresses* also the national and international responsibilities of countries of origin; and *reaffirms* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries, and in mobilizing assistance from the international community to address the impact of large-scale refugee populations;

**No. 93 (LIII) – 2002**

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

**No. 95 (LIV) – 2003**

(g) *Recognizes* that countries of asylum often carry a heavy burden, in particular, developing countries, countries in transition and countries with limited resources which host large numbers of refugees and asylum-seekers, especially those who have hosted refugees for a long period of time; *reiterates* in this regard its strong commitment to international solidarity, burden and responsibility sharing; and *reaffirms* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries, and in mobilizing assistance from the international community to address the impact of large-scale refugee populations;

**No. 97 (LIV) – 2003**

*Concerned* about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

**No. 99 (LV) – 2004**

(e) *Recognizes* that some countries of asylum, in particular developing countries and countries in transition which host large numbers of refugees and asylum-seekers, carry a heavy burden; and *reiterates* in this regard its strong commitment to international solidarity and burden and responsibility sharing;

**No. 100 (LV) – 2004 – International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

*Reaffirming* the importance of international burden and responsibility sharing in reducing the burdens of host countries, especially developing countries,

*Recalling* that mass influx situations pose challenges for receiving States in particular, as well as for other States in the region and for the international community; and *reiterating* its recognition of the heavy responsibilities and burdens borne by countries receiving a mass influx, especially when the resulting presence of refugees becomes protracted, and the need for international cooperation to achieve a satisfactory durable solution to a problem which is international in scope and nature,

*Reaffirming*, in regard to mass influx, the guidance on reinforcing burden and responsibility sharing, including in particular that set out in Conclusion No. 22 (XXXII) of 1981 on the protection of asylum-seekers in situations of large-scale influx, Conclusions No. 15 (XXX) of 1979 on refugees without an asylum country, No. 52 (XXXIX) of 1988 on international solidarity and refugee protection, No. 80 (XLVII) of 1996 on comprehensive and regional approaches within a protection framework, No. 91 (LII) of 2001 on registration of refugees and asylum-seekers, No. 94 (LIII) of 2002 on the civilian and humanitarian character of asylum, and Conclusions No. 77 (XLVI) of 1995, No. 85 (XLIX) of 1998 and No. 89 (LI) of 2000 on international protection, as well as General Assembly Resolution 58/169 of 22 December 2003 on human rights and mass exoduses,

*Expressing* its appreciation for the useful discussions on mass influx situations and burden and responsibility sharing which took place in the context of the third track of the Global Consultations on International Protection,

Recalling the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(b) *Recognizes* the differing capacities of States to contribute to resolving mass influx situations; *commends* the significant contributions made by countries of first asylum, particularly those in the developing world and those faced with protracted refugee situations; and *stresses* the value of action by States, UNHCR and other actors to share the burden and responsibility of countries of first asylum and to strengthen capacities for the protection of refugees in such host countries;

(f) *Acknowledges* the need for consultations on the international response to a mass influx situation with a view to developing appropriate international responses, including arrangements among States, regional and international organizations and, where applicable, financial institutions, as a clear sign of international solidarity and in the interest of protecting refugees;

(g) *Recommends* that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(h) *Notes* further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an *ex officio* basis, to examine options appropriate to the particular circumstances of the situation;

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(i) the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;

(ii) the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter-Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;

(iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

(iv) the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;

(v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;

(vi) the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;

(vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

(viii) the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;

(ix) the development of criteria and modalities for humanitarian transfer or evacuation to other countries,<sup>[1]</sup> fully consistent with international guidelines on the evacuation of children,<sup>[2]</sup> and financial assistance and other forms of support for the countries involved;

[1] In the context of the 1999 Kosovo crisis, the former involved the transfer of refugees to other States within the region, while the latter involved their evacuation to States further afield.

[2] ICRC, IRC, SCUK, UNICEF, UNHCR, WVI, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004, pp. 24–26; UNHCR, Refugee Children: Guidelines on Protection and Care, 1994, pp. 88–95; Evacuation of Children from Conflict Areas, Consideration and Guidelines, Everett M. Ressler, UNHCR and UNICEF, 1992.

(k) *Acknowledges* that the principles of international cooperation and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and *highlights* the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(i) the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;

(ii) the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;

(iii) the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;

- (iv) the provision of support for national protection capacities of host States as needed, *inter alia*, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;
  - (v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;
  - (vi) the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;
  - (vii) the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;
  - (viii) the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;
- (m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:
- (i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;
  - (ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;
  - (iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;
  - (iv) the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;
- (n) *Recommends* that, where a plan of action or arrangement is adopted, an effective review mechanism be included whereby all actors are brought together to evaluate its implementation and the need for any amendments to it in light of developments;
- (o) *Requests* UNHCR to report regularly to the Executive Committee, within existing reporting mechanisms, on developments in international burden and responsibility sharing regarding mass influx situations.

**No. 102 (LVI) – 2005**

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underscores* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

**No. 104 (LVI) – 2005**

*Recognizing* that some countries of asylum carry a heavy burden, in particular developing countries, countries with economies in transition and least developed countries which host large numbers of refugees and asylum-seekers, especially when they have arrived as part of a mass influx and have remained for a long period of time,

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

**No. 107 (LVIII) – 2007**

*Recognizing* the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement of durable solutions, based on international solidarity, cooperation and burden and responsibility sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

**No. 108 (LIX) – 2008**

(m) *Welcomes* the High Commissioner's initiative to unlock and find comprehensive solutions for protracted refugee situations; acknowledges the contribution the ongoing "UN Delivering as One" process may make to such solutions; *recognizes* that, in protracted refugee situations, developing countries and countries in transition carry a heavy burden by hosting large numbers of refugees and asylum-seekers; and *reiterates* a strong commitment to uphold the principles of international solidarity and burden sharing;

## **International Initiatives and Cooperation**

*The Executive Committee,*

**No. 52 (XXXIX) – 1988 – International Solidarity and Refugee Protection**

*Remaining deeply concerned* about the gravity and complexity of refugee problems throughout the world, the serious violations of human rights which accompany them and the dislocation and distress they cause for the millions of individuals involved;

*Reaffirming* that refugee problems are the concern of the international community and their resolution is dependent on the will and capacity of States to respond in concert and wholeheartedly, in a spirit of true humanitarianism and international solidarity;

*Noting* that States have obligations or responsibilities to accord protection and a basic standard of treatment to refugees and that these must be performed in good faith;

*Noting* also that the Office of the United Nations High Commissioner for Refugees was created in the context of an urgent need to provide protection to refugees and that it is this protection function which uniquely characterizes the Office;

1. Underlined that States, which have defined the protection role of the Office, have a responsibility to co-operate with it in the fulfilment of its mandate on the basis of the fundamental humanitarian principles which motivate its work;

2. Noted that States and UNHCR are joined in the common pursuit of solutions for refugee problems and the international protection of the fundamental rights of refugees;

3. Stressed that the principle of international solidarity has a fundamental role to play in encouraging a humanitarian approach to the grant of asylum and in the effective implementation of international protection in general;

4. Recalled that, in all circumstances, the respect for fundamental humanitarian principles is an obligation for all members of the international community, it being understood that the principle of international solidarity is of utmost importance to the satisfactory implementation of these principles;

5. Invited all States to continue actively to support the protection functions of the High Commissioner through all appropriate means, both bilateral and multilateral, as well as to abide by their own humanitarian responsibilities towards refugees, including, particularly, to safeguard the right to seek and enjoy asylum from persecution and to ensure full respect for the principle of *non-refoulement*.

**No. 62 (XLI) – 1990**

*Welcoming* the significant progress made over the past forty years in resolving refugee situations in a number of regions and in guaranteeing protection and assistance to millions of refugees on the basis of accepted legal principles and a spirit of international solidarity and burden-sharing;

*Taking into account*, however, that despite these positive developments and international co-operation to resolve situations, the refugee and asylum problem in its entirety is bigger, more complex and as persistent as ever;

**No. 68 (XLIII) – 1992**

(a) *Reaffirms* the primary nature of the High Commissioner's protection responsibilities which are performed as a non-political, humanitarian and social function within the framework of international refugee law and applicable regional instruments, with due regard for human rights and humanitarian law, and which necessitate cooperation with UNHCR, as well as among and between States in accordance with the United Nations Charter, on a basis of international responsibilities, solidarity and burden-sharing;



**No. 71 (XLIV) – 1993**

(e) *Notes* with appreciation that States confronted with refugee situations, including in particular developing countries with limited resources, continue to observe the fundamental principles of international protection, admitting and providing asylum to more than eighteen million refugees, and welcomes the continuing strong commitment of States to provide protection and assistance to refugees and to cooperate with the High Commissioner in the discharge of her international protection responsibilities;

**No. 77 (XLVI) – 1995**

(e) *Reaffirms* the competence of the High Commissioner in supervising the application of international instruments for the protection of refugees. Stresses the importance of their interpretation and application by States in a manner consistent with their spirit and purpose. Reminds States party to the 1951 Convention and/or the 1967 Protocol of the undertaking in Article 35 of the Convention, reiterated in Conclusion 57 of the fortieth session of the Executive Committee in 1989, to provide the High Commissioner with detailed information on the implementation of the Convention and urges those state parties who have not yet complied with this undertaking to do so;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(iv) measures to reinforce international solidarity and burden-sharing

**No. 85 (XLIX) – 1998**

(d) *Reiterates* that refugee protection is primarily the responsibility of States and that it is best achieved through effective cooperation between all States and UNHCR, as well as other international organizations and pertinent actors, in a spirit of international solidarity and burden-sharing;

(e) *Encourages* UNHCR and States to strengthen their efforts to promote broader accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to cooperate to promote a universal and full implementation of these instruments;

(p) *Recognizes* that international solidarity and burden-sharing are of direct importance to the satisfactory implementation of refugee protection principles; stresses, however, in this regard, that access to asylum and the meeting by States of their protection obligations should not be dependent on burden-sharing arrangements first being in place, particularly because respect for fundamental human rights and humanitarian principles is an obligation for all members of the international community;

**No. 87 (L) – 1999**

(c) *Reaffirms* its Conclusion No. 85 (XLIX), para (o), committing itself to uphold the principle of international solidarity and burden-sharing; *expresses* strong appreciation for instances where those principles were put into concrete action during the past year; and further encourages States and UNHCR to continue their efforts to give wider effect to these important principles;

(g) *Reaffirms* Conclusion No. 85 (XLIX) para.(d), and calls on all interested parties to turn concentrated attention towards revitalizing old partnerships and building new ones in support of the international refugee protection system, in a spirit of international solidarity and burden-sharing;

**No. 90 (LII) – 2001**

(c) *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, *inter alia*, to promote and facilitate the admission, reception and humane treatment of refugees and to ensure protection-oriented solutions, in accordance with international law and international standards;

(f) *Reiterates* its strong commitment to international solidarity, burden-sharing and international cooperation to share responsibilities; *stresses* also the national and international responsibilities of countries of origin; and *reaffirms* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries, and in mobilizing assistance from the international community to address the impact of large-scale refugee populations;

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

(n) *Recognizes* the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and *notes* that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and coordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and *encourages* States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;

**No. 91 (LII) – 2001**

(d) *Also encourages* States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including biometrics features, and to share these with a view towards developing a more standardized worldwide registration system;

(e) *Acknowledges* the importance to the international community, particularly States, UNHCR and other relevant organizations, of sharing statistical data;

(h) *Emphasizes* the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations.

**No. 93 (LIII) – 2002**

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

**No. 94 (LIII) – 2002**

(f) *Calls upon* the relevant United Nations organs and regional organizations, in pursuance of their respective mandates, as well as the international community at large, to mobilize adequate

resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, in line with the principles of international solidarity, co-operation, burden and responsibility sharing;

**No. 95 (LIV) – 2003**

(h) *Stresses* the value of strengthening protection capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, where appropriate with adequate support from the international community for the host country and the refugees living there;

**No. 98 (LIV) – 2003**

(g) *Calls upon* the international community in cooperation with UNHCR and other international organisations to mobilize the resources necessary to ensure the provision of protection and material assistance in support of host countries, based on international solidarity, cooperation, burden and responsibility-sharing, since inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

(h) *Calls upon* UNHCR to continue its cooperation with other actors to ensure protection from exploitation and abuse of refugees and asylum-seekers, including through participation in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and other coordination mechanisms;

**No. 100 (LV) – 2004 – International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

*The Executive Committee,*

*Considering* that the achievement of international cooperation in solving international problems of a humanitarian character is a purpose of the United Nations as defined in its Charter and that the 1951 Convention relating to the Status of Refugees recognizes that a satisfactory solution to refugee situations cannot be achieved without international cooperation,

*Reaffirming* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and responsibility and burden sharing among all States,

*Recalling* the importance of international cooperation to resolve the plight of refugees, action to address the causes of refugee movements, as well as to avert them, *inter alia*, through the promotion of peace, stability and dialogue, and of action to prevent refugee movements from becoming a source of tension between States,

(c) *Encourages* all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(ii) the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter–Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;

(iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non–governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(vi) the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;

(vii) the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;

**No. 101 (LV) – 2004**

*Underlining* the need for strengthened cooperation among countries of origin, host countries, UNHCR and other international organizations and the international community, to ensure that voluntary repatriation will be sustainable,

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

**No. 102 (LVI) – 2005**

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

(l) *Reaffirms* that respect by States for their protection responsibilities toward refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and burden and responsibility sharing among all States;

(q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;

**No. 104 (LVI) – 2005**

*Considering* that refugee situations are international in scope and nature and therefore *reiterating* its strong commitment to international solidarity and burden and responsibility sharing; and *reaffirming* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries and countries with economies in transition, and in mobilizing financial assistance and other forms of support, including development assistance from the international community to address the impact of large-scale refugee populations,

*Acknowledging* that the global refugee situation represents an international challenge requiring international burden and responsibility sharing to be addressed effectively; and, *recognizing* that allowing for local integration, where applicable, is an act of States which is a durable solution for refugees that contributes to that burden and responsibility sharing, without prejudice to the specific situation of certain developing countries facing mass influxes,

*Affirming* the value of strengthening capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there,

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

**No. 105 (LVII) – 2006**

*Reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance, and of durable solutions, based on international solidarity, cooperation, burden and responsibility sharing and the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the risks women and girls face,

Preventive strategies

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

Individual responses and solutions

(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

**No. 107 (LVIII) – 2007**

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

*Recognizing* the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement of durable solutions, based on international solidarity, cooperation and burden and responsibility sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

**No. 108 (LIX) – 2008**

General international protection concerns

(c) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

(e) *Welcomes* the discussions in the High Commissioner's Dialogue on Protection Challenges in December 2007, and *affirms* the mandated role of UNHCR in the identification of refugees and other persons of concern to the Office in mixed migratory movements with a view to meeting their international protection needs; *recognizes* the importance of enhanced cooperation among States, UNHCR, international agencies, including the International Organization for Migration, and other relevant actors, to address the complex problems arising in the context of mixed migratory movements including people smuggling and trafficking in persons;

Refugees and others of concern with disabilities

(j) *Emphasizes* the importance of promoting a protection and reception environment, with particular attention given to vulnerability of children and women, that encourages the systematic inclusion of refugees and others of concern with disabilities in all areas of society, including in national programmes and policies, and mobilizes financial and other necessary resources, as appropriate, to support host countries efforts in this regard on the basis of international solidarity and burden sharing;

Protracted refugee situations

(m) *Welcomes* the High Commissioner's initiative to unlock and find comprehensive solutions for protracted refugee situations; acknowledges the contribution the ongoing "UN Delivering as One" process may make to such solutions; *recognizes* that, in protracted refugee situations, developing countries and countries in transition carry a heavy burden by hosting large numbers of refugees and asylum-seekers; and *reiterates* a strong commitment to uphold the principles of international solidarity and burden sharing;

**Irregular Movement of Refugees and Asylum-Seekers from a Country in which they had Already Found Protection**

*The Executive Committee,*

**No. 36 (XXXVI) – 1985**

(j) *Noted* with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and expressed the hope that the problem this represents can be mitigated through the adoption of global solutions in a spirit of international co-operation and burden-sharing, and requested the High Commissioner to continue consultations with a view to reaching agreement on this matter;

**No. 58 (XL) – 1989**

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

- (i) identifying the causes and scope of irregular movements in any given refugee situation,
- (ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures,
- (iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned and,
- (iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;

**No. 87 (L) – 1999**

Access to protection

(l) *Reaffirms* Conclusion No. 58 (XL) on irregular movements; *notes* with concern that refugees who have already found and continue to enjoy protection in a first country of asylum continue to move in an irregular manner to other countries on a significant scale; and *encourages* UNHCR, States and other relevant actors to enhance cooperation to address the causes of such movements, in particular with a view to ensuring treatment of asylum-seekers and refugees in accordance with the highest possible standards of protection in first countries of asylum, and to creating awareness as to the risks and dangers linked to irregular movements, notably exploitation by traffickers; and further *encourages* UNHCR to work with transit and destination countries to ensure that the protection and assistance needs of such asylum-seekers and refugees are met;

**No. 99 (LV) – 2004**

(w) *Encourages* States, UNHCR and other relevant actors to continue their work in developing other strands of the Convention Plus initiative, including those relating to development assistance and to irregular secondary movements of refugees and asylum-seekers;

**Prevention / Causes / Solutions**

*The Executive Committee,*

**No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum-seekers in situations of large-scale influx:

IV. International solidarity, burden-sharing and the duties of States

(1) A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.

(2) Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

(3) Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.

(4) The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

(5) Consideration should be given to the strengthening of existing mechanisms and, if appropriate, the setting up of new arrangements, if possible on a permanent basis, to ensure that the necessary funds and other material and technical assistance are immediately made available.

(6) In a spirit of international solidarity, Governments should also seek to ensure that the causes leading to large-scale influxes of asylum seekers are as far as possible removed and, where such influxes have occurred, that conditions favourable to voluntary repatriation are established.



**No. 40 (XXXVI) – 1985**

*Reaffirming* the significance of its 1980 Conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

(h) The importance of spontaneous return to the country of origin is recognized and it is considered that action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees. Interested States should make all efforts, including the provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interests of the refugees concerned;

**No. 56 (XL) – 1989**

(b) *Welcomed* the importance given in the report [of the informal Round Table of a group of experts on Solutions to the Problem of Refugees and the Protection of Refugees which was held in San Remo, Italy from 12 to 14 July 1999], in particular to:

(ii) the strengthening of joint international efforts to deal with causes of flows of asylum-seekers and refugees in order to avert new flows and to facilitate the voluntary repatriation of refugees where this is the most appropriate solution to their problem;

(iii) the active promotion of solutions by countries of origin, asylum and resettlement, as well as by the international community at large, in accordance with their respective obligations and responsibilities;

(iv) the promotion of solutions by international initiatives aimed at encouraging and facilitating, directly or through intermediaries, contacts between the parties concerned;

(v) development co-operation in both its curative and preventative aspects;

**No. 61 (XLI) – 1990**

(e) *Emphasizes* the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programmes;

**No. 65 (XLII) – 1991**

(i) *Calls upon* the High Commissioner in this regard actively to explore new options for preventive strategies which are consistent with protection principles, the ways in which State responsibility and burden-sharing mechanisms might be strengthened and public information strategies could be used to complement protection activities;

**No. 77 (XLVI) – 1995**

(o) *Calls on* all States to manifest their international solidarity and burden-sharing with countries of asylum, in particular those with limited resources, both politically and in other tangible ways which reinforce their capacity to maintain generous asylum policies, through cooperation in conjunction with UNHCR to support the maintenance of agreed standards in respect of the rights of refugees; reiterates the critical importance of development and rehabilitation assistance in addressing some of the causes of refugee situations, as well as their solutions, including voluntary repatriation when deemed appropriate; and also in the context of development of prevention strategies;

**No. 98 (LIV) – 2003**

(g) *Calls upon* the international community in cooperation with UNHCR and other international organisations to mobilize the resources necessary to ensure the provision of protection and material assistance in support of host countries, based on international solidarity, cooperation, burden and responsibility-sharing, since inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

**No. 101 (LV) – 2004**

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

**No. 102 (LVI) – 2005**

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

**No. 105 (LVII) – 2006**

Preventive strategies

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

**No. 107 (LVIII) – 2007**

*Recognizing* the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement of durable solutions, based on international solidarity, cooperation and burden and responsibility sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;

## **Resettlement Opportunities**

*The Executive Committee,*

### **No. 23 (XXXII) – 1981**

Adopted the following conclusions on problems related to the rescue of asylum-seekers in distress at sea.

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.

### **No. 79 (XLVII) – 1996**

(s) *Acknowledges* the resettlement efforts undertaken by Governments and the efforts being made by UNHCR to take full advantage of resettlement opportunities and to find solutions for individual refugees considered in need of resettlement, and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;

### **No. 85 (XLIX) – 1998**

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

### **No. 90 (LII) – 2001**

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

(l) *Acknowledges* that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the *International Conference on the Reception and Integration of Resettled Refugees* convened in Norrköping, Sweden, from 25 to 27 April 2001;<sup>[1]</sup>

<sup>[1]</sup> See EC/51/SC/INF.4., Annex.

(m) *Encourages* initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and

sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;

(n) *Recognizes* the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and *notes* that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and coordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and *encourages* States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;

**No. 95 (LIV) – 2003**

(i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;

(q) *Welcomes* the report of the Working Group on Resettlement<sup>[3]</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;

(v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;

<sup>[3]</sup> EC/53/SC/CRP.10/Add.1.

**No. 99 (LV) – 2004**

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

(x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

**No. 100 (LV) – 2004**

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

**No. 102 (LVI) – 2005**

(s) *Also welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement; and *encourages* UNHCR to ensure high quality and well-documented resettlement referrals, to continue to strengthen its resettlement capacity and to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities, where resettlement is an appropriate solution, including through the group resettlement referral methodology;

## CAPACITY BUILDING

*The Executive Committee,*

### **No. 90 (LII) – 2001**

(m) *Encourages* initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;

### **No. 95 (LIV) – 2003**

(h) *Stresses* the value of strengthening protection capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, where appropriate with adequate support from the international community for the host country and the refugees living there;

### **No. 98 (LIV) – 2003**

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(viii) Conducting training and capacity building on the prevention and response to sexual abuse and exploitation;

### **No. 99 (LV) – 2004**

(g) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

### **No. 100 (LV) – 2004**

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;

**No. 102 (LVI) – 2005**

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalise the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

**No. 104 (LVI) – 2005 – Local Integration**

*Affirming* the value of strengthening capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there,

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

**No. 107 (LVIII) – 2007 – Children at Risk**Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

**No. 108 (LIX) – 2008**

(c) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

## **CAUSES OF POPULATION DISPLACEMENTS**

### **Actual Causes**

*The Executive Committee,*

#### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum-seekers in situations of large-scale influx.

#### I. General

1. The refugee problem has become particularly acute due to the increasing number of large-scale influx situations in different areas of the world and especially in developing countries. The asylum seekers forming part of these large-scale influxes include persons who are refugees within the meaning of the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees or who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of, or the whole of their country of origin or nationality are compelled to seek refuge outside that country.

#### **No. 58 (XL) – 1989**

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

#### **No. 68 (XLIII) – 1992**

(w) *Deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, at the same time expresses its concern regarding xenophobia in segments of the population in a number of countries receiving refugees and asylum-seekers which has exposed them to considerable danger and, therefore, calls upon States and UNHCR to continue to work actively to promote broader understanding throughout national communities of the plight of refugees and asylum-seekers;

#### **No. 71 (XLIV) – 1993**

(dd) *Recognizes* that the underlying causes of population displacements are complex and interrelated and include poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and comprehensive manner;

(ff) *Notes* the importance of availability of and access to objective and accurate information concerning the various causes of coerced displacement in order to facilitate informed decision-making at all stages of refugee situations and supports in this regard the High Commissioner's efforts to develop an appropriate information strategy and to maintain relevant information databases;



**No. 73 (XLIV) – 1993**

*Noting* with grave concern the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

**No. 74 (XLV) – 1994**

(k) *Notes* that a large number of those persons in need of international protection have been forced to flee or to remain outside their countries of origin as a result of danger to their life or freedom owing to situations of conflict;

**No. 75 (XLV) – 1994**

(b) *Notes* that the many and varied underlying causes of involuntary internal displacement and of refugee movements are often similar, and that the problems of both refugees and the internally displaced often call for similar measures with respect to prevention, protection, humanitarian assistance, and solutions;

**No. 77 (XLVI) – 1995**

(h) *Condemns* all forms of ethnic violence and intolerance, which are among the major causes of forced displacements as well as an impediment to durable solutions to refugee problems; and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

**No. 80 (XLVII) – 1996**

*Recognizing* that the underlying causes of large-scale involuntary population displacements are complex and interrelated and encompass gross violations of human rights, including in armed conflict, poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and holistic manner,

**No. 85 (XLIX) – 1998**

(c) *Expresses* deep concern about the increasing use of war and violence as a means to carry out persecutory policies against groups targeted on account of their race, religion, nationality, membership of a particular social group, or political opinion;

(g) *Recognizes* that the refugee experience, in all its stages, is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, and reaffirms the importance in this regard of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development;

(h) *Deplores* that serious and repeated violations of human rights and fundamental freedoms, which are one of the principal reasons for refugee flows, continue both in peace and in times of armed conflict;

**No. 87 (L) – 1999**

(a) *Strongly deplores* the serious breaches of internationally recognized rights of refugees, asylum-seekers and other persons of concern over the past year, and remains particularly preoccupied that systematic violations of human rights, blatant disregard of international humanitarian law, and policies of wholesale expulsions of populations and “ethnic cleansing” have caused significant displacement both internally and across borders in many regions of the world;

**No. 99 (LV) – 2004**

(l) *Expresses concern* at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and *calls* on States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

**No. 102 (LVI) – 2005**

(f) *Expresses concern* at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

## **Comprehensive Approach**

*The Executive Committee,*

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner’s emphasis in the Note on International Protection on the following:

(vi) the need for countries of origin to assume a significant responsibility in the search for appropriate solutions, including through addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;

(vii) more detailed articulation of the concept of State responsibility, particularly as it relates to the responsibilities of the countries of origin;

(ix) consideration of development aid as a complementary measure to address causes of, prevention of, and solutions to, refugee and refugee-like situations;

**No. 71 (XLIV) – 1993**

(dd) *Recognizes* that the underlying causes of population displacements are complex and interrelated and include poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and comprehensive manner;

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

**No. 80 (XLVII) – 1996 – Comprehensive and Regional Approaches Within a Protection Framework**

*Recognizing* that the underlying causes of large-scale involuntary population displacements are complex and interrelated and encompass gross violations of human rights, including in armed conflict, poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and holistic manner,

*Reaffirming* in this regard conclusion No. 40 (XXXVI) on Voluntary Repatriation, which states that the aspect of causes is critical to the issue of solutions and that international efforts should also be directed to the removal of the causes of refugee movements; stressing further that the essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address causes which are at the origin of refugee movements,

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

*Noting* that the prevention of and response to such situations may be beyond UNHCR's mandate and capacity,

*Further noting* that internally displaced persons remain within the territorial jurisdiction of their own countries and that the primary responsibility for their welfare and protection lies with the State concerned,

*Aware* that involuntary displacement, in addition to the human suffering involved, can impose significant intra-regional burdens, and may also affect security and stability at the regional level,

*Acknowledging* the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions,

(a) *Emphasizes* the responsibility of States to ensure conditions which do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

(b) *Reaffirms* the value of comprehensive approaches in which UNHCR has played a significant part, through its presence and activities in countries of origin as well as countries of asylum; notably the CIREFCA process, the Comprehensive Plan of Action and the repatriation to Mozambique; and recalls that the High Commissioner is mandated to promote voluntary repatriation by taking initiatives including promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication;

(c) *Underlines* the value of regional cooperation, as illustrated by these approaches, in addressing involuntary displacement in a manner which encompasses the political dimension of causes;

(d) *Recalls* that, while there is no blueprint for such approaches, protection considerations should govern the entire process towards solutions, and standards should be applied consistently;

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

(ii) promotion of the rule of law through national legal and judicial capacity-building

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

(iv) measures to reinforce international solidarity and burden-sharing

(v) support for long-term sustainable development

(vi) integration of developmental approaches into the relief stage by strengthening national capacities

(vii) support for rehabilitation, reintegration and reconstruction measures which will underpin the sustainability of repatriation

(viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism

(ix) the establishment and fostering of mechanisms designed to avoid or reduce the incidence of conflict, as conflict may result in population displacement

(x) reconciliation measures where necessary and possible, notably in post-conflict situations, to ensure the durability of solutions

(xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

(f) *Invites* UNHCR to provide its support and expertise in formulating comprehensive approaches and assisting States in exploring more systematically where and how such approaches might be appropriate and feasible.

## Mass Influx

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum-seekers in situations of large-scale influx.

I. (1) The refugee problem has become particularly acute due to the increasing number of large-scale influx situations in different areas of the world and especially in developing countries. The asylum seekers forming part of these large-scale influxes include persons who are refugees within the meaning of the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees or who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of, or the whole of their country of origin or nationality are compelled to seek refuge outside that country.

IV. (6) In a spirit of international solidarity, Governments should also seek to ensure that the causes leading to large-scale influxes of asylum seekers are as far as possible removed and, where such influxes have occurred, that conditions favourable to voluntary repatriation are established.

### **No. 25 (XXXIII) – 1982**

(e) *Noted* with satisfaction the efforts being undertaken in other fora to examine the causes of large scale movements of asylum-seekers and expressed the hope that these efforts would lead to a substantial reduction in their volume; stressed, however, that such efforts should not in any way weaken the basic principles of international protection;

### **No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(c) *Encourages* all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

## Prevention / Causes / Solutions

*The Executive Committee,*

### **No. 40 (XXXVI) – 1985**

*Reaffirming* the significance of its 1980 conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following conclusions on this matter:

(c) The aspect of causes is critical to the issue of solution and international efforts should also be directed to the removal of the causes of refugee movements. Further attention should be given to the causes and prevention of such movements, including the co-ordination of efforts currently being pursued by the international community and in particular within the United Nations. An essential condition for the prevention of refugee

flows is sufficient political will by the States directly concerned to address the causes which are at the origin of refugee movements;

**No. 41 (XXXVII) – 1986**

(e) *Recognized* that the search for durable solutions includes the need to address the causes of movements of refugees and asylum-seekers from countries of origin and the causes of onward movements from countries of first asylum;

**No. 46 (XXXVIII) – 1987**

(k) *Stressed* the close link between durable solutions and root causes and called upon the international community to do its utmost to address the causes of movements of refugees and asylum-seekers from countries of origin as well as from countries of first asylum;

**No. 50 (XXXIX) – 1988**

(d) *Emphasized* the cardinal importance of dealing with the underlying causes of refugee movements, not only to avert new flows of refugees, but also to facilitate resolution of existing problems;

**No. 65 (XLII) – 1991**

(h) *Reiterates* that the current size and complexity of the world refugee situation require vigorous promotion of existing protection principles, as well as full and open debate on new directions for protection and on further development of the law, paying particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to eliminate causes of refugee flows;

**No. 79 (XLVII) – 1996**

(w) *Recalling* the interrelationship between protection and solutions, as well as the desirability of prevention, including through the respect for human rights and the implementation of relevant instruments and standards, with particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to eliminate causes of refugee flows, calls on UNHCR to continue its activities in support of national legal and judicial capacity-building where appropriate, and to cooperate with the United Nations High Commissioner for Human Rights and other relevant organizations in this regard.

**No. 99 (LV) – 2004**

(l) *Expresses concern* at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and *calls* on States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

**No. 102 (LVI) – 2005**

(f) *Expresses concern* at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of

all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

**No. 104 (LVI) – 2005 – Local Integration**

*Reiterating* that coordinated national and international efforts aimed at addressing the factors that lead to the flow of refugees should continue,

## CESSATION OF REFUGEE STATUS

*The Executive Committee,*

### **No. 18 (XXXI) – 1980**

(e) *Recognized* the importance of refugees being provided with the necessary information regarding conditions in their country of origin in order to facilitate their decision to repatriate; recognized further that visits by individual refugees or refugee representatives to their country of origin to inform themselves of the situation there--without such visits automatically involving loss of refugee status--could also be of assistance in this regard;

### **No. 65 (XLII) – 1991**

(q) *Underlines* the possibility of use of the cessation clauses of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection. and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status, and calls upon UNHCR to explore in the Sub-Committee of the Whole on International Protection the application of the cessation clauses;

### **No. 69 (XLIII) – 1992 – Cessation of Status**

*Recalling* Conclusion No. 65 (XLII) which, *inter alia*, underlined the possibility of use of the cessation clauses in Article IC (5) and (6) of the 1951 Convention in situations where a change of circumstances in a country is of such a profound and enduring nature that refugees from that country no longer require international protection, and can no longer continue to refuse to avail themselves of the protection of their country, provided that it is recognized that compelling reasons may, for certain individuals, support the continuation of refugee status,

*Taking into account* that the application of the cessation clause(s) in the 1951 Convention rests exclusively with the Contracting States, but that the High Commissioner should be appropriately involved, in keeping with the role of the High Commissioner in supervising the application of the provisions of the 1951 Convention as provided for in Article 35 of that Convention,

*Noting* that any declaration by the High Commissioner that the competence accorded to her by the Statute of her Office with regard to certain refugees shall cease to apply, may be useful to States in connection with the application of the cessation clauses as well as the 1951 Convention,

*Believing* that a careful approach to the application of the cessation clauses using clearly established procedures is necessary so as to provide refugees with the assurance that their status will not be subject to unnecessary review in the light of temporary changes, not of a fundamental character, in the situation prevailing in the country of origin,

(a) *Stresses* that, in taking any decision on application of the cessation clauses based on “ceased circumstances”, States must carefully assess the fundamental character of the changes in the country of nationality or origin, including the general human rights situation, as well as the particular cause of fear of persecution, in order to make sure in an objective and verifiable way that the situation which justified the granting of refugee status has ceased to exist;



(b) *Underlines* that an essential element in such assessment by States is the fundamental, stable and durable character of the changes, making use of appropriate information available in this respect, *inter alia*, from relevant specialized bodies, including particularly UNHCR;

(c) *Emphasizes* that the “ceased circumstances” cessation clauses shall not apply to refugees who continue to have a well-founded fear of persecution;

(d) *Recognizes* therefore that all refugees affected by a group or class decision to apply these cessation clauses must have the possibility, upon request, to have such application in their cases reconsidered on grounds relevant to their individual case;

(e) *Recommends*, so as to avoid hardship cases, that States seriously consider an appropriate status, preserving previously acquired rights, for persons who have compelling reasons arising out of previous persecution for refusing to re-avail themselves of the protection of their country and recommends also that appropriate arrangements, which would not put into jeopardy their established situation, be similarly considered by relevant authorities for those persons who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and economic links there;

(f) *Recommends* that States, in giving effect to a decision to invoke the cessation clauses, should in all situations deal humanely with the consequences for the affected individuals or groups, and that countries of asylum and countries of origin should together facilitate the return, to assure that it takes place in a fair and dignified manner. Where appropriate, return and reintegration assistance should be made available to the returnees by the international community, including through relevant international agencies.

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(o) *Recommends* that, where it is appropriate to consider the ending of complementary forms of protection, States adopt criteria which are objective and clearly and publicly enunciated; and *notes* that the doctrine and procedural standards developed in relation to the cessation clauses of Article 1C of the 1951 Convention may offer helpful guidance in this regard;

## CHILDREN

### Best Interests of the Child

*The Executive Committee,*

#### **No. 47 (XXXVIII) – 1987 – Refugee Children**

(d) *Stressed* that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

(k) *Noted* that while the best durable solution for an unaccompanied refugee child will depend on the particular circumstances of the case, the possibility of voluntary repatriation should at all times be kept under review, keeping in mind the best interests of the child and the possible difficulties of determining the voluntary character of repatriation;

#### **No. 84 (XLVIII) – 1997 – Refugee Children and Adolescents**

*Recalling* the fundamental importance of the Convention on the Rights of the Child (CRC) to the legal framework for the protection of child and adolescent refugees and for promoting their best interests,

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(i) the principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children and adolescents;

#### **No. 88 (L) – 1999 – Protection of the Refugee's Family**

(c) *Calls upon* States, UNHCR and other relevant actors to give particular attention to the needs of unaccompanied refugee children pending their reunification with their families; and *affirms*, in this regard, that adoption of refugee children should only be considered when all feasible steps for family tracing and reunification have been exhausted, and then only in the best interests of the child and in conformity with international standards.

#### **No. 98 (LIV) – 2003 – Protection from Sexual Abuse and Exploitation**

*Recognizing* that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

#### **No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant

international instruments and giving due regard to the best interest of the child and family unity principles;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- v. The principle of the best interests of the child shall be a primary consideration in regard to all actions concerning children;

- xi. In recognition that detention can affect the physical and mental well-being of children and heighten their vulnerability, States should refrain from detaining children, and do so only as a measure of last resort and for the shortest appropriate period of time, while considering the best interests of the child;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;

- ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;

- vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

## Conclusions Specific to Children

*The Executive Committee,*

### **No. 47 (XXXVIII) – 1987 – Refugee Children**

(a) *Expressed* appreciation to the High Commissioner for his Report on Refugee Children (EC/SCP/46) and noted with serious concern the violations of their human rights in different areas of the world and their special needs and vulnerability within the broader refugee population;

(b) *Recognized* that refugee children constitute approximately one half of the world's refugee population and that the situation in which they live often gives rise to special protection and assistance problems as well as to problems in the area of durable solutions;

(c) *Reiterated* the widely-recognized principle that children must be among the first to receive protection and assistance;

(d) *Stressed* that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

(f) *Urged* States to take appropriate measures to register the births of refugee children born in countries of asylum;

(g) *Expressed* its concern over the increasing number of cases of statelessness among refugee children;

(h) *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or

relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

(j) *Called upon* the High Commissioner to ensure that individual assessments are conducted and adequate social histories prepared for unaccompanied children and children separated from their parents, who are in the care of other families, to facilitate provision for their immediate needs, the analysis of the long term as well as immediate viability of existing foster arrangements, and the planning and implementation of appropriate durable solutions;

(k) *Noted* that while the best durable solution for an unaccompanied refugee child will depend on the particular circumstances of the case, the possibility of voluntary repatriation should at all times be kept under review, keeping in mind the best interests of the child and the possible difficulties of determining the voluntary character of repatriation;

(l) *Stressed* the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the "Twenty or More" Plan providing for the resettlement of disabled refugee children;

(m) *Noted* with serious concern the detrimental effects that extended stays in camps have on the development of refugee children and called for international action to mitigate such effects and provide durable solutions as soon as possible;

(n) *Recognized* the importance of meeting the special psychological, religious, cultural and recreational needs of refugee children in order to ensure their emotional stability and development;

(o) *Reaffirmed* the fundamental right of refugee children to education and called upon all States, individually and collectively, to intensify their efforts, in co-operation with the High Commissioner, to ensure that all refugee children benefit from primary education of a satisfactory quality, that respects their cultural identity and is oriented towards an understanding of the country of asylum;

(p) *Recognized* the need of refugee children to pursue further levels of education and recommended that the High Commissioner consider the provision of post-primary education within the general programme of assistance;

(q) *Called upon* all States, in co-operation with UNHCR and concerned agencies, to develop and/or support programmes to address nutritional and health risks faced by refugee children, including programmes to ensure an adequate, well-balanced and safe diet, general immunization and primary health care;

(r) *Recommended* regular and timely assessment and review of the needs of refugee children, either on an individual basis or through sample surveys, prepared in co-operation with the country of asylum, taking into account all relevant factors such as age, sex, personality, family, religion, social and cultural background and the situation of the local population, and benefiting from the active involvement of the refugee community itself;

(s) *Reaffirmed* the need to promote continuing and expanded co-operation between UNHCR and other concerned agencies and bodies active in the fields of assistance to refugee children and protection, including through the development of legal and social standards;

(t) *Noted* the importance of further study of the needs of refugee children by UNHCR, other intergovernmental and non-governmental agencies and national authorities, with a view to identification of additional support programmes and reorientation as necessary of existing ones;

(u) *Called upon* the High Commissioner to develop further, in consultation with concerned organizations, guidelines to promote cooperation between UNHCR and these organizations to improve the international protection, physical security, well-being and normal psychosocial development of refugee children;

(v) *Called upon* the High Commissioner to maintain the UNHCR Working Group on Refugee Children at Risk as his focal point on refugee children, to strengthen the Working Group and to inform the members of the Executive Committee, on a regular basis, of its work.

#### **No. 59 (XL) – 1989 – Refugee Children**

(a) *Expressed* appreciation for the Report on Refugee Children (A/AC.96/731), noted with concern the serious risks to their safety, immediate welfare and future development faced by many refugee children and recognized the efforts made by the Office of the High Commissioner to improve its effectiveness in responding to their special needs;

(b) *Reaffirmed* its Conclusion concerning refugee children [No. 47 (XXXVIII)] and stressed the continuing nature of the guidance provided;

(c) *Commended* the High Commissioner and his Working Group on Refugee Children for the development and dissemination of the Guidelines on Refugee Children and for the implementation of a work plan concerning refugee children and called upon UNHCR to seek the active cooperation and collaboration of governments, other United Nations bodies; among them UNICEF, non-governmental organizations and refugees themselves, in the implementation of the guideline;

(d) *Requested* the High Commissioner to ensure that the needs of refugee children are given particular attention through regularly assessing resources and requirements in each refugee situation; collecting and using in programme planning relevant demographic, socioeconomic and cultural information; and monitoring and evaluating the impact of his programmes on refugee children;

(e) *Noted* with serious concern the increasing incidence of nutritional deficiency diseases and malnutrition amongst refugee children dependent upon food aid and called upon UNHCR to initiate as a matter of urgency formal discussions with relevant United Nations bodies, donors and other humanitarian organizations to develop collaborative strategies for alleviating the nutritional problems of refugee children and to seek the incorporation into their programmes of appropriate provisions for such needs;

(f) *Recognized* the link between education and durable solutions and encouraged UNHCR to strengthen its efforts in assisting host country governments to ensure the access of refugee children to education, *inter alia* through the involvement of new organizations and governmental and non-governmental donors, and where necessary through the incorporation of appropriate arrangements in its programmes of assistance;

(g) *Requested* the High Commissioner to continue to give special attention to the needs of unaccompanied minors and inform the Executive Committee at its next session of the details of existing programmes and any difficulties encountered in their implementation;

(h) *Called upon* UNHCR to promote the best possible legal protection of unaccompanied minors, particularly with regard to forced recruitment into armed forces and to the risks associated with irregular adoption;

(i) *Urged* UNHCR to intensify efforts to increase public awareness of the situation and needs of refugee children and of the impact of armed conflict and persecution on them;

(j) *Encouraged* UNHCR to develop training materials to improve the capacity and effectiveness of field personnel in identifying and addressing the protection and assistance needs of refugee children;

(k) *Recalled* its request in its Thirty-seventh Session in 1986 [No. 41 (XXXVII)] for the High Commissioner to report regularly to the Executive Committee on the needs of refugee children, and on existing and proposed programmes for their benefit.

**No. 84 (XLVIII) – 1997 – Conclusion on Refugee Children and Adolescents**

*Recognizing* that children and adolescents constitute the majority of refugees and other persons of concern to UNHCR,

*Conscious* of the human rights and dignity of all refugee children and adolescents, and that, due to their specific needs and vulnerability within the broader refugee population, they need to be among the first to receive protection and assistance in any refugee situation,

*Gravely concerned* that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

*Recalling* the fundamental importance of the Convention on the Rights of the Child (CRC) to the legal framework for the protection of child and adolescent refugees and for promoting their best interests,

*Recalling* that the Convention on the Rights of the Child, in its preamble, states that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

*Welcoming* the United Nations Study on the Impact of Armed Conflict on Children (“the Machel Study”), and the appointment of a Special Representative of the Secretary-General on the Impact of Armed Conflict on Children,

*Taking note*, with interest, of UNHCR’s strategy for follow-up to the Machel Study, and commending the establishment of operational performance objectives in respect of refugee children and adolescents,

*Reaffirming* its Conclusions No. 47 (XXXVIII) and No. 59 (XL) concerning refugee children and adolescents, and, stressing their continued validity,

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

- (i) the principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children and adolescents;
- (ii) the fundamental right of children and adolescents to life, liberty, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment;
- (iii) the right of children and adolescents to education, adequate food, and the highest attainable standard of health;

(iv) the right of children affected by armed conflict to special protection and treatment, taking into account the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation, and death in connection with armed conflict;

(v) the right of children to protection from harmful traditional practices and from all other forms of exploitation;

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(i) preventing separation of children and adolescent refugees from their families and promoting care, protection, tracing and family reunification for unaccompanied minors;

(ii) safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin, and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

(iii) preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through provision of appropriate legal and rehabilitative remedies; and by following up on the Plan of Action of the 1996 Stockholm World Congress on the Sexual Exploitation of Children;

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

(v) ensuring access to education, and the right of the child to freedom of thought, conscience and religion;

(vi) providing medical or other special care, including rehabilitation assistance, to assist the social reintegration of refugee children and adolescents, especially those who are unaccompanied or orphaned;

(c) *Calls upon* UNHCR to continue to integrate fully the rights of the child into its policies and programmes; improve its operational methods for assessing the needs of child and adolescent refugees; train its staff and implementing partners accordingly; formulate preventive strategies; and strengthen collaboration with States, UNICEF, WFP, the Office of the High Commissioner for Human Rights, ICRC, non-governmental organizations, and other concerned actors;

(d) *Calls upon* UNHCR to include on the work programme of the Standing Committee in 1998 a report on the implementation of its strategy for follow-up to the Machel Study, with special reference to the establishment of operational performance objectives in respect of refugee children and adolescents and the identification of improvements in staffing, training and budgeting to meet these objectives; and also to report on follow-up of its evaluation of UNHCR programming and protection efforts on behalf of refugee children and adolescents.

(e) *Calls upon* all States to participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text.



**No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

**No. 94 (LIII) – 2002**

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

**No. 102 (LVI) – 2005**

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

(o) *Stresses* the importance of States intensifying their efforts, in cooperation with UNHCR and other relevant organizations, to ensure that all refugee children benefit from education, consistent with the Millennium Development Goals, and that such education pays due regard, as appropriate, to their cultural identity while facilitating a greater understanding of the country of asylum;

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

(w) *Acknowledges* that access to HIV and AIDS prevention, care and treatment, as far as possible in a manner comparable with the services available to the local hosting community, is increasingly recognized by States as an essential component in the protection of refugees, returnees and other persons of concern; *encourages* UNHCR to pursue activities in this regard, in close collaboration with relevant partners, in particular in the implementation of the objectives agreed in the UNAIDS Unified Budget Work Plan, ensuring specific emphasis on the rights of refugee women and

children affected by the pandemic; and *notes* the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

#### **No. 104 (LVI) – 2005 – Local Integration**

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recalling* its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL) and 64 (XLI) on refugee women; Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII) on refugee children and/or adolescents; Nos. 73 (XLIV) and 98 (LIV) on refugee protection and sexual violence and protection from sexual abuse and exploitation respectively, and No. 94 (LIII) on the civilian and humanitarian character of asylum,

*Recalling* that Security Council resolution 1325 (2000) on women and peace and security and the subsequent Action Plan (S/2005/636) provide an integrated framework for a consolidated international and UN-wide response to this challenge, that Security Council resolution 1261 (1999) and five subsequent resolutions on children and armed conflict, call on governments, parties to a conflict and other organizations, including UN bodies, to take wide-ranging action to protect children in armed conflict and afterwards, and that Security Council resolutions 1265 (1999), 1296 (2000) and 1674 (2006), similarly call on parties to armed conflict to ensure the protection of affected civilians, including women and children,

*Acknowledging* that, while forcibly displaced men and boys also face protection problems, women and girls can be exposed to particular protection problems related to their gender, their cultural and socio-economic position, and their legal status, which mean they may be less likely than men and boys to be able to exercise their rights and therefore that specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys,

*Recalling* that the protection of women and girls is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions; and that all action on behalf of women and girls must be guided by obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law,

*Bearing in mind* Conclusion No. 75 (XLV) on internally displaced persons and *noting* that the protection challenges for internally displaced persons (IDPs) and refugees may differ, that the normative legal frameworks for their protection are different, that humanitarian access to internally displaced persons can be more difficult, that internally displaced women and girls are more likely to be caught in armed conflict and may face specific protection risks as a result and that the responses and solutions available to refugee and internally displaced women and girls may be different,

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

*Acknowledging* that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and non-governmental organizations, together with displaced and host communities, are integral to effective identification, responses, monitoring and solutions,

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

*Reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance, and of durable solutions, based on international solidarity, cooperation, burden and responsibility sharing and the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the risks women and girls face,

*Acknowledging* that forced displacement tends to expose individuals to particular risks, recognizing the specific needs of women and girls, *noting* that this Conclusion applies to women and girls who are refugees, asylum-seekers or IDPs assisted and protected by UNHCR, who find themselves in situations of heightened risk, and further that it could also be applied, as appropriate, to returnees of concern to UNHCR,

(a) *Adopts* this Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and recommends that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

#### Identification of women and girls at risk

(b) Forced displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights. These can be present in the wider protection environment and/or be the result of the individual's particular circumstances, as outlined below.

(c) Identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and implemented. Identification can present particular challenges because women and girls are often less visible in displaced populations than men and boys, they may not be or feel able to report protection incidents, particularly if these occur in the private domain. It is therefore important to ensure an enabling environment which supports continuing identification and analysis of the situation.

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack

of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

#### Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;
- ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;
- iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;
- iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;
- v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;
- vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response”, 2003; Inter-Agency Standing Committee (IASC) “Guidelines for Gender-based Violence Interventions in Humanitarian Settings”, 2005.

- ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;
- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;
- iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;
- v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and
- vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

- i. strengthen women’s leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR’s Five Commitments to Refugee Women;
- ii. strengthen women’s and girls’ capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and
- iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

#### Individual responses and solutions

(m) Recommended actions by States, UNHCR, other relevant agencies and partners to respond to the situation of individual women and girls at risk are listed non-exhaustively below.

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;
- ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;
- iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and
- iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

- i. monitor on an ongoing basis initiatives taken with regard to individual safety, well-being and needs and ensure accountability for actions taken;
- ii. help secure the access of women and girls at risk to justice and reduce impunity, including by advising, accompanying and supporting them through initiatives such as women's legal clinics, local women's associations, witness relocation programmes and mobile courts in remote areas; and
- iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;
- ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;
- iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;
- iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

#### **No. 107 (LVIII) – 2007 – Children at Risk**

*The Executive Committee,*

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

*Taking note of* the more recent international developments in relation to the protection of children, in particular the two Optional Protocols to the 1989 Convention on the Rights of the Child (CRC), Security Council resolutions 1612, 1674, and 1325, the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and the United Nations Secretary-General's Study on Violence against Children,

*Recognizing* the important work done by the United Nations Children's Fund (UNICEF) and non-governmental organizations (NGOs) in relation to the protection of children,

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

*Acknowledging* that, while both girls and boys face many of the same protection risks, they also experience protection challenges specific to their gender, and *reaffirming* that, while many risks may be prevalent in all settings, camp and urban environments may generate different protection needs,

*Noting* that this Conclusion applies to children, as defined under Article 1 of the CRC, who are asylum-seekers, refugees, are internally displaced or returnees assisted and protected by UNHCR, or are stateless, particularly addressing the situation of those at heightened risk,<sup>[1]</sup>

<sup>[1]</sup> Hereinafter referred to as "children" or "a child"

*Recalling* that the protection of children is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions,

*Recognizing* the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement of durable solutions, based on international solidarity, cooperation and burden and responsibility sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

(a) *Adopts* this Conclusion which provides operational guidance for States, UNHCR and other relevant agencies and partners, including through identifying components that may form part of a comprehensive child protection system, with the aim of strengthening the protection of children at risk;

#### Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- i. Children should be among the first to receive protection and assistance;
- ii. States should promote the establishment and implementation of child protection systems, in accordance with international obligations of States concerned, and to which children under their jurisdiction should have non-discriminatory access;
- iii. The support provided by UNHCR and other relevant agencies and partners in helping States fulfil their obligations should supplement and strengthen the national child protection system in areas where gaps exist, and be delivered in a spirit of partnership by building on each actor's comparative advantages to reinforce the beneficial impact on the protection of children;
- iv. States, UNHCR, and other relevant agencies and partners shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, and that mechanisms exist to inform children and adults alike of children's rights and options;
- v. The principle of the best interests of the child shall be a primary consideration in regard to all actions concerning children;
- vi. Due consideration should be given to the importance of the family and family support structures for the protection of children;
- vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;
- viii. The active promotion of gender equality is essential to the protection of girls and boys, particularly those at heightened risk;
- ix. Emphasis should be given to children in the prioritization of financial and other necessary resources;
- x. A rights-based approach, which recognizes children as active subjects of rights, and according to which all interventions are consistent with States' obligations under relevant international law, including, as applicable, international refugee law, international human



rights law and international humanitarian law, and acknowledgement that the CRC provides an important legal and normative framework for the protection of children;

xi. In recognition that detention can affect the physical and mental well-being of children and heighten their vulnerability, States should refrain from detaining children, and do so only as a measure of last resort and for the shortest appropriate period of time, while considering the best interests of the child;

xii. A two-pronged approach comprising: (1) mainstreaming of age, gender and diversity into all UNHCR programmes, policies and operations, and (2) targeted action, to ensure that all children, girls and boys of diverse backgrounds, can enjoy protection on an equal basis; and

xiii. A collaborative approach whereby all relevant actors work together to: identify risks faced by children; undertake participatory situation and comprehensive gap analyses to identify, assess and respond to the wider environmental and individual factors placing children at heightened risk; and document and share information with due respect for rules of confidentiality;

#### Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

(d) *Recognizes* the challenges involved in identifying children at heightened risk as they are frequently less visible than adults and may not have the opportunity or feel able to report protection incidents, particularly if these occur in the private domain and/or are associated with social stigmas or taboos; *acknowledges* the need to provide children access to adults with expertise in age-appropriate and gender-sensitive interviewing and communication skills to ensure that children's views are taken into account and their needs and protection risks are adequately identified and responded to;

(e) *Recognizes* that individual, careful and prompt registration of children can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

(f) *Recognizes* that the systematic collection and analysis of age- and sex-disaggregated data, and of data on children with specific needs, such as unaccompanied and separated children, can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

### **Prevention, response and solutions**

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;

ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;

iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;

iv. Establish confidential, accessible and child and gender-friendly complaints and referral systems, in coordination with national authorities when necessary, with clear roles for receiving, referring and addressing complaints from or about a child while ensuring the safety of the child, and for managing case files; children should be adequately informed about the availability of complaint and remedial mechanisms;

v. Promote the implementation of mechanisms for monitoring the protection of children at risk, particularly of those in alternative care arrangements;

vi. Strengthen or promote the establishment of child protection committees, as appropriate, with equal and meaningful participation of girls and boys;

vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the

individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;

x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;

xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;

ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

vii. Take effective and appropriate measures, including legislative, administrative and judicial, to prevent and eliminate traditional practices that are harmful to children taking into account the physical and mental harm caused to the child, and the different impact on girls and boys;

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;

xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented,

facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

## Special / Specific Protection Needs

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

#### II. B. Treatment of asylum-seekers who have been temporarily admitted to a country pending arrangements for a durable solution

2. It is therefore essential that asylum-seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(j) adequate provision should be made for the protection of minors and unaccompanied children;

### **No. 41 (XXXVII) – 1986**

(m) *Noted* that the situation of refugee children also required special consideration and called upon the High Commissioner to report regularly to the Executive Committee on the needs of refugee children, and on existing and proposed programmes for their benefit;

### **No. 71 (XLIV) – 1993**

(w) *Notes* with concern the especially vulnerable situation of refugee children and therefore welcomes the High Commissioner's Policy on Refugee Children (EC/SCP/82) and stresses the importance of the Convention on the Rights of the Child as a normative framework for action to protect and care for children of her concern;

(x) *Calls upon* the High Commissioner to make every effort to ensure that the needs of refugee children, particularly unaccompanied minors, are fully met in UNHCR's overall protection and assistance activities, through *inter alia* appropriate management support, training and monitoring, and encourages UNHCR to continue its cooperation with Governments, non-governmental organizations and intergovernmental organizations, including in particular the United Nations

Children's Fund (UNICEF) and the Committee on the Rights of the Child, in the implementation of the Policy on Refugee Children and the UNHCR Guidelines on Refugee Children;

(y) *Requests* the High Commissioner, given the diversity and persistent character of certain obstacles hampering the protection of refugee women and refugee children, in consultation with the Chairman of the Executive Committee, to convene an informal working group of the Committee to examine these obstacles, as well as review options and propose concrete measures to overcome them;

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

#### **No. 85 (XLIX) – 1998**

(m) *Reaffirms* the importance of the right to a nationality and calls on States to adopt all necessary measures to prevent or reduce the incidence of statelessness, including through national legislation and, as appropriate, accession to and implementation of the Statelessness Conventions; draws particular and urgent attention in this regard to the situation of children of refugees and asylum-seekers born in asylum countries who could be stateless unless appropriate legislation and registration procedures are in place and are followed;

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

#### **No. 87 (L) – 1999**

(o) *Calls on* States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

#### **No. 90 (LII) – 2001**

(i) *Stresses* the importance of according special attention to the protection needs of vulnerable refugees, including women, children and the elderly, in the application of the international refugee instruments and related protection standards;

(r) *Takes note* with particular concern that problems of statelessness can impact disproportionately on women and children, due to the particular operation of nationality and birth registration laws; *underlines* the importance, notably for women, of identity documentation and proper registration of births and marriages; and *calls upon* States to adopt all necessary measures in this regard;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

iii. Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 94 (LIII) – 2002**

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

*Recognizing* the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized armed groups,

**No. 95 (LIV) – 2003**

(f) *Recognizes* the importance for States to promote an age and gender-sensitive approach in the application of international refugee instruments and for UNHCR to ensure consideration of age and gender in its policy making and operations through further mainstreaming;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(v) The special needs of women and children and those who are otherwise vulnerable should be considered as a matter of priority;

**No. 98 (LIV) – 2003**

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

*Recognizing* that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

**No. 99 (LV) – 2004**

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner's five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

(q) *Recalls* its Conclusion No. 84 (XLVIII) on refugee children and adolescents and other Conclusions relevant to the specific protection needs of this group; and *reiterates* the importance of full and effective implementation of standards and procedures to better address these needs and to safeguard rights, in particular to ensure adequate attention to unaccompanied and separated children and to former child soldiers in refugee settings as well as in the context of voluntary repatriation and reintegration measures;

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

**No. 101 (LV) – 2004**

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and *stresses* in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

**No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee



women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

#### **No. 107 (LVIII) – 2007 – Children at Risk**

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

#### Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;
- ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;
- iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;
- iv. Establish confidential, accessible and child and gender-friendly complaints and referral systems, in coordination with national authorities when necessary, with clear roles for receiving, referring and addressing complaints from or about a child while ensuring the safety of the child, and for managing case files; children should be adequately informed about the availability of complaint and remedial mechanisms;
- v. Promote the implementation of mechanisms for monitoring the protection of children at risk, particularly of those in alternative care arrangements;
- vi. Strengthen or promote the establishment of child protection committees, as appropriate, with equal and meaningful participation of girls and boys;
- vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;
- viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated

children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;

x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;

xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;

ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

vii. Take effective and appropriate measures, including legislative, administrative and judicial, to prevent and eliminate traditional practices that are harmful to children taking into account the physical and mental harm caused to the child, and the different impact on girls and boys;

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;

xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

#### **No. 108 (LIX) – 2008**

##### Refugees and others of concern with disabilities

(j) *Emphasizes* the importance of promoting a protection and reception environment, with particular attention given to vulnerability of children and women, that encourages the systematic inclusion of refugees and others of concern with disabilities in all areas of society, including in national programmes and policies, and mobilizes financial and other necessary resources, as appropriate, to support host countries efforts in this regard on the basis of international solidarity and burden sharing;

##### Resettlement

(o) *Welcomes* the progress that has been achieved in increasing the number of States offering opportunities for resettlement and the number of refugees resettled, in particular of women and girls at heightened risk;

##### Statelessness

(w) *Welcomes* UNHCR's intensified efforts to identify and to protect stateless persons; *encourages* States to prevent and reduce statelessness by adopting and implementing safeguards in nationality laws and policies, consistent with fundamental principles of international law, and by facilitating birth registration as a means of providing an identity; *stresses* safeguarding the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, and considering, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation; and *requests* UNHCR to continue to provide technical advice and operational support to States;

## Unaccompanied Minors / Separated Children

*The Executive Committee,*

### No. 24 (XXXII) – 1981

*Adopted* the following conclusions on the reunification of separated refugee families.

(7) The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption – involving a severance of links with the natural family – is decided upon.

### No. 93 (LIII) – 2002

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### No. 94 (LIII) – 2002

(e) *Calls upon* States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

### No. 99 (LV) – 2004

(q) *Recalls* its Conclusion No. 84 (XLVIII) on refugee children and adolescents and other Conclusions relevant to the specific protection needs of this group; and *reiterates* the importance of full and effective implementation of standards and procedures to better address these needs and to safeguard rights, in particular to ensure adequate attention to unaccompanied and separated children and to former child soldiers in refugee settings as well as in the context of voluntary repatriation and reintegration measures;

### No. 101 (LV) – 2004

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and *stresses* in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

**No. 102 (LVI) – 2005**

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;

**No. 107 (LVIII) – 2007 – Children at Risk**Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

## Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;

## UNHCR Policy and Guidelines

*The Executive Committee,*

### **No. 65 (XLII) – 1991**

(g) *Reaffirms* Conclusion No. 59 (XL) on refugee children adopted at the fortieth session of the Executive Committee and reiterates the importance of providing adequate protection and assistance to ensure the safety and development of refugee children and, in this connection, welcomes the High Commissioner's decision to establish a new post of Coordinator on Refugee Children;

### **No. 68 (XLIII) – 1992**

(l) *Reiterates* the importance accorded by the Committee to the protection and well-being of refugee children, in particular unaccompanied minors, and welcomes the appointment of a Senior Coordinator for Refugee Children as an important element in strengthening the implementation of the Guidelines on Refugee Children and in coordinating efforts on behalf of refugee children by States and other international and non-governmental organizations;

### **No. 71 (XLIV) – 1993**

(w) *Notes* with concern the especially vulnerable situation of refugee children and therefore welcomes the High Commissioner's Policy on Refugee Children (EC/SCP/82) and stresses the importance of the Convention on the Rights of the Child as a normative framework for action to protect and care for children of her concern;

(x) *Calls upon* the High Commissioner to make every effort to ensure that the needs of refugee children, particularly unaccompanied minors, are fully met in UNHCR's overall protection and assistance activities, through *inter alia* appropriate management support, training and monitoring,

and encourages UNHCR to continue its cooperation with Governments, non-governmental organizations and intergovernmental organizations, including in particular the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child, in the implementation of the Policy on Refugee Children and the UNHCR Guidelines on Refugee Children;

**No. 89 (LI) – 2000**

*Affirming* the importance of according priority attention to the protection needs of women, children, adolescents, and the elderly in the planning and implementation of UNHCR programmes and State policies;

**No. 98 (LIV) – 2003**

*Recalling* previous UNHCR policies and guidelines intended to address violence against refugees, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women; the 1993 Policy on Refugee Children and 1994 Refugee Children: Guidelines on Protection and Care, the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response, as updated in 2003; and the High Commissioner's 2001 Five Commitments to Refugee Women;

**No. 99 (LV) – 2004**

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner's five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR "Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response", 2003; Inter-Agency Standing Committee (IASC) "Guidelines for Gender-based Violence Interventions in Humanitarian Settings", 2005.

**Violations of Rights (Forced Recruitment, Sexual Abuse, etc.)**

*The Executive Committee,*

**No. 72 (XLIV) – 1993**

*Expressing* its deep concern over reports on the alarming frequency of incidents in which refugees and asylum-seekers, including women and children, are subjected to violence and mistreatment including killing, torture, military or armed attacks, rape, beatings, intimidation, forced recruitment and arbitrary or inhumane conditions of detention,



**No. 73 (XLIV) – 1993**

*Noting* also distressing reports that refugees and asylum-seekers, including children, in many instances have been subjected to rape or other forms of sexual violence during their flight or following their arrival in countries where they sought asylum, including sexual extortion in connection with the granting of basic necessities, personal documentation or refugee status,

**No. 74 (XLV) – 1994**

(hh) *Calls upon* States hosting refugees, in close collaboration with UNHCR and other relevant organizations, and consistent with the UNHCR Guidelines on Refugee Children, to safeguard the security of refugee children and to ensure that they are not recruited into the military or other armed groups;

**No. 79 (XLVII) – 1996**

(k) *Deplores* violations of the right to personal security of refugees and asylum-seekers, including sexual and other attacks, especially on women and children, and appeals to all States to abide by their international obligations to protect the physical security of refugees and asylum-seekers and to take measures to ensure that such practices cease immediately;

**No. 85 (XLIX) – 1998**

(k) *Remains* deeply concerned also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

(dd) *Deplores* that many countries continue routinely to detain asylum-seekers (including minors) on an arbitrary basis, for unduly prolonged periods, and without giving them adequate access to UNHCR and to fair procedures for timely review of their detention status; notes that such detention practices are inconsistent with established human rights standards and urges States to explore more actively all feasible alternatives to detention;

**No. 87 (L) – 1999**

(o) *Calls on* States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

**No. 89 (LI) – 2000**

*Welcoming* the continued grant of asylum to large numbers of refugees by many States but deeply disturbed by violations of internationally recognized rights of refugees which include *refoulement* of refugees, militarization of refugee camps, participation of refugee children in military activities, gender-related violence and discrimination directed against refugees, particularly female refugees, and arbitrary detention of asylum-seekers and refugees; also concerned about the less than full application of international refugee instruments by some States Parties;

**No. 90 (LII) – 2001**

(s) *Strongly condemning* the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of

trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; *calls upon* States to cooperate in the establishment of identity and nationality status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

#### **No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

#### **No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(viii) Former child soldiers should benefit from special protection and assistance measures, in particular as regards their demobilization and rehabilitation;

(e) *Calls upon* States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

#### **No. 98 (LIV) – 2003**

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

*Recognizing* that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

(c) *Urges* all States, consistent with applicable international refugee, human rights and humanitarian law:

(i) to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and

gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

#### **No. 107 (LVIII) – 2007 – Children at Risk**

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

*Taking note of* the more recent international developments in relation to the protection of children, in particular the two Optional Protocols to the 1989 Convention on the Rights of the Child (CRC), Security Council resolutions 1612, 1674, and 1325, the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and the United Nations Secretary-General's Study on Violence against Children,

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

#### Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;

## COMPLEMENTARY FORMS OF PROTECTION

*The Executive Committee,*

### **No. 87 (L) – 1999**

(f) *Reaffirms* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol remain the foundation of the international refugee regime; recognizes, however, that there may be a need to develop complementary forms of protection, and in this context, encourages UNHCR to engage in consultations with States and relevant actors to examine all aspects of this issue;

### **No. 89 (LI) – 2000**

*Reaffirming* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol remain the foundation of the international refugee regime; noting that complementary forms of protection adopted by some States are a pragmatic response to ensure that persons in need of such protection receive it; and recognizing in this context the importance of full application of the 1951 Convention and the 1967 Protocol by States Parties;

### **No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

*The Executive Committee,*<sup>[1]</sup>

<sup>[1]</sup> This Conclusion addresses only the situation of persons who fall under the mandate of UNHCR.

*Reaffirming* that the 1951 Convention relating to the Status of Refugees together with its 1967 Protocol continue to serve as the cornerstone of the international refugee protection regime; and *noting in this regard* the fundamental importance of their full application by State Parties, including that of the fundamental principle of *non-refoulement*,

*Recognizing* that, in different contexts, there may be a need for international protection in cases not addressed by the 1951 Convention and its 1967 Protocol; and *recalling in this regard* paragraph (1) of its Conclusion No. 74 (XLV),

*Reaffirming* the principle that all human beings shall enjoy human rights and fundamental freedoms without discrimination, including the right to seek and enjoy asylum,

*Underlining* the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

*Recalling* that international and regional instruments to address the problem of statelessness, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, where applicable, are important tools for State Parties to use, in particular to avoid and resolve situations of statelessness and, where necessary, to further the protection of stateless persons,

*Acknowledging* that in many countries a number of administrative or legislative mechanisms are in place for regularizing, on a variety of grounds, the stay of persons, including those who may not be eligible for refugee protection but who may be in need of international protection,

*Noting* the value of establishing general principles upon which complementary forms of protection for those in need of international protection may be based, on the persons who might benefit from it, and on the compatibility of these forms of protection with the 1951 Convention and its 1967 Protocol and other relevant international and regional instruments,

(a) *Urges* State Parties to implement their obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;

(b) *Calls upon* State Parties to interpret the criteria for refugee status in the 1951 Convention and/or its 1967 Protocol in such a manner that all persons who fulfil these criteria are duly recognized and protected under those instruments, rather than being accorded a complementary form of protection;

(c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;

(d) *Reiterates* the need to ensure that the integrity of the asylum system is not abused by the extension of refugee protection to those who are not entitled to it and to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention and in other relevant international instruments;

(e) *Calls on* the State Parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to apply these instruments in good faith, bearing in mind their protection objectives; and *requests* UNHCR actively to promote accession to these instruments;

(f) *Calls on* States to make maximum use of existing protection instruments when addressing international protection needs; and *encourages* States that have not already done so to consider accession to the 1951 Convention and the 1967 Protocol and to relevant, applicable regional instruments and/or to consider lifting existing limitations or withdrawing reservations in order to ensure the widest possible application of the protection principles they contain;

(g) *Calls upon* all State Parties, as applicable, to adopt the necessary national legislation or procedures to give effect to regional refugee instruments;

(h) *Acknowledges* that complementary forms of protection provided by States to ensure that persons in need of international protection actually receive it are a positive way of responding pragmatically to certain international protection needs;

(i) *Encourages* the use of complementary forms of protection for individuals in need of international protection who do not meet the refugee definition under the 1951 Convention or the 1967 Protocol;

(j) *Realizes* that States may decide to allow prolonged stay for compassionate or practical reasons; and *recognizes* that such cases must be clearly distinguished from cases where there are international protection needs;

(k) *Affirms* that measures to provide complementary protection should be implemented in a manner that strengthens, rather than undermines, the existing international refugee protection regime;

- (l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;
- (m) *Affirms* that relevant international treaty obligations, where applicable, prohibiting *refoulement* represent important protection tools to address the protection needs of persons who are outside their country of origin and who may be of concern to UNHCR but who may not fulfil the refugee definition under the 1951 Convention and/or its 1967 Protocol; and *calls upon* States to respect the fundamental principle of *non-refoulement*;
- (n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant international instruments and giving due regard to the best interest of the child and family unity principles;
- (o) *Recommends* that, where it is appropriate to consider the ending of complementary forms of protection, States adopt criteria which are objective and clearly and publicly enunciated; and *notes* that the doctrine and procedural standards developed in relation to the cessation clauses of Article 1C of the 1951 Convention may offer helpful guidance in this regard;
- (p) *Notes* that States may choose to consult with UNHCR, if appropriate, in view of its particular expertise and mandate, when they are considering granting or ending a form of complementary protection to persons who fall within the competence of the Office;
- (q) *Encourages* States to consider whether it may be appropriate to establish a comprehensive procedure before a central expert authority making a single decision which allows the assessment of refugee status followed by other international protection needs, as a means of assessing all international protection needs without undermining refugee protection and while recognizing the need for a flexible approach to the procedures applied;
- (r) *Notes* that, where applicable, in considering a comprehensive procedure, the applicable procedure should be fair and efficient;
- (s) *Underlines* the importance of applying and developing the international refugee protection system in a way which avoids protection gaps and enables all those in need of international protection to find and enjoy it.

## COMPREHENSIVE APPROACH

### Conclusion Specific to Comprehensive Approach

*The Executive Committee,*

#### **No. 80 (XLVII) – 1996 – Comprehensive and Regional Approaches within a Protection Framework**

*Recognizing* that the underlying causes of large-scale involuntary population displacements are complex and interrelated and encompass gross violations of human rights, including in armed conflict, poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and holistic manner,

*Reaffirming* in this regard conclusion No. 40 (XXXVI) on Voluntary Repatriation, which states that the aspect of causes is critical to the issue of solutions and that international efforts should also be directed to the removal of the causes of refugee movements; stressing further that the essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address causes which are at the origin of refugee movements,

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

*Noting* that the prevention of and response to such situations may be beyond UNHCR's mandate and capacity,

*Further noting* that internally displaced persons remain within the territorial jurisdiction of their own countries and that the primary responsibility for their welfare and protection lies with the State concerned,

*Aware* that involuntary displacement, in addition to the human suffering involved, can impose significant intra-regional burdens, and may also affect security and stability at the regional level,

*Acknowledging* the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions,

(a) *Emphasizes* the responsibility of States to ensure conditions which do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

(b) *Reaffirms* the value of comprehensive approaches in which UNHCR has played a significant part, through its presence and activities in countries of origin as well as countries of asylum; notably the CIREFCA process, the Comprehensive Plan of Action and the repatriation to Mozambique; and recalls that the High Commissioner is mandated to promote voluntary repatriation by taking initiatives including promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication;

(c) *Underlines* the value of regional cooperation, as illustrated by these approaches, in addressing involuntary displacement in a manner which encompasses the political dimension of causes;

(d) *Recalls* that, while there is no blueprint for such approaches, protection considerations should govern the entire process towards solutions, and standards should be applied consistently;

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

(ii) promotion of the rule of law through national legal and judicial capacity-building

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

(iv) measures to reinforce international solidarity and burden-sharing

(v) support for long-term sustainable development

(vi) integration of developmental approaches into the relief stage by strengthening national capacities

(vii) support for rehabilitation, reintegration and reconstruction measures which will underpin the sustainability of repatriation

(viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism

(ix) the establishment and fostering of mechanisms designed to avoid or reduce the incidence of conflict, as conflict may result in population displacement

(x) reconciliation measures where necessary and possible, notably in post-conflict situations, to ensure the durability of solutions

(xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

(f) *Invites* UNHCR to provide its support and expertise in formulating comprehensive approaches and assisting States in exploring more systematically where and how such approaches might be appropriate and feasible.

**No. 99 (LV) – 2004**

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw



upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

## Nature of Comprehensive Approach

*The Executive Committee,*

### No. 62 (XLI) – 1990

*Believing* though, that the current size and characteristics of the refugee and asylum problem necessitate appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities;

*Stressing* that, to succeed, comprehensive approaches must in addition endeavour to respond to the concerns of all affected States including first asylum and receiving States;

*Appreciating* the comprehensive approach taken in the High Commissioner's Note on International Protection in presenting some considerations for developing refugee strategies;

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

- (i) prevention and early warning of developing situations, and mediation as an effective method to contain problems;
- (ii) the possible human rights dimensions of refugee flows, which can also be a source of national and international instability;
- (iii) the difference between refugees and persons seeking to migrate for economic and related reasons, and the need for any refugee policy to respect fundamental distinctions between the two categories of people, and be fully consonant with the principles particular to, and essential for, the protection of refugees, including first asylum and *non-refoulement*;
- (iv) the fact that voluntary repatriation, local settlement or resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;
- (v) development of measures which would underpin and broaden the acceptance of the three traditional durable solutions;
- (vi) the need for countries of origin to assume a significant responsibility in the search for appropriate solutions, including through addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;
- (vii) more detailed articulation of the concept of State responsibility, particularly as it relates to the responsibilities of the countries of origin;

- (viii) more active and effective utilization by States and UNHCR of United Nations and other qualified expert bodies as appropriate, including human rights bodies, in their relevant areas of competence;
- (ix) consideration of development aid as a complementary measure to address causes of, prevention of, and solutions to, refugee and refugee-like situations;
- (x) encouragement to regional bodies or groupings more actively to contribute to positive resolution of problems in their respective regions;
- (xi) development of measures by States to deal responsibly and effectively with rejected asylum-seekers;
- (xii) full integration of public information activities into strategies;
- (xiii) encouragement of full and open debate on new approaches;
- (xiv) consideration of the relationship between asylum problems and international migration.

**No. 71 (XLIV) – 1993**

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

(n) *Recognizes* the importance of addressing prevention, protection and solutions on a comprehensive regional basis, and encourages the High Commissioner to consult with States, the United Nations Department of Humanitarian Affairs (DHA), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and other relevant international organizations and regional bodies on possibilities for additional measures and initiatives in specific areas with complex problems of coerced population movements, and to keep the Sub-Committee of the Whole on International Protection and, where appropriate, the Sub-Committee on Administrative and Financial Matters informed;

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

**No. 100 (LV) – 2004**

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give

consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

- (i) the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;
- (ii) the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter-Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;
- (iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;
- (iv) the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;
- (v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;
- (vi) the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;
- (vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;
- (viii) the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;
- (ix) the development of criteria and modalities for humanitarian transfer or evacuation to other countries,<sup>[1]</sup> fully consistent with international guidelines on the evacuation of children,<sup>[2]</sup> and financial assistance and other forms of support for the countries involved;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

- (ii) the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

[1] In the context of the 1999 Kosovo crisis, the former involved the transfer of refugees to other States within the region, while the latter involved their evacuation to States further afield.

[2] ICRC, IRC, SCUK, UNICEF, UNHCR, WVI, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004, pp. 24–26; UNHCR, Refugee Children: Guidelines on Protection and Care, 1994, pp. 88–95; Evacuation of Children from Conflict Areas, Consideration and Guidelines, Everett M. Ressler, UNHCR and UNICEF, 1992.

## Need for Comprehensive Approach

*The Executive Committee,*

### **No. 46 (XXXVIII) – 1987**

(n) *Recognized* that international protection is best achieved through an integrated and global approach to protection, assistance, and durable solutions, and invited the High Commissioner to develop further his efforts in this regard, including the collection of statistics on refugee populations, with the co-operation of States concerned;

### **No. 56 (XL) – 1989**

*Convinced* that the contemporary problem of refugees and asylum seekers, because of its dimensions and complexity, requires coherent and comprehensive approaches to meet the current reality;

### **No. 68 (XLIII) – 1992**

(u) *Acknowledges* that the realization of solutions in a growing number of mass outflow situations is much facilitated where these are made an integral part of a comprehensive plan of action, which balances the interests of affected States and the rights and needs of individuals and, accordingly, encourages UNHCR to work together with States and other interested organizations to explore new solutions-oriented approaches, which might include temporary protection and necessary arrangements for burden-sharing, when a situation so requires;

### **No. 74 (XLV) – 1994**

(aa) *Recognizes* that for repatriation to be a sustainable and thus truly durable solution to refugee problems it is essential that the need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner, and calls upon the international community to continue to support the High Commissioner's efforts to promote comprehensive and regional approaches to prevention, protection and solutions in consultation with States and the relevant international, regional and national governmental and non-governmental bodies, as appropriate;

### **No. 75 (XLV) – 1994**

(h) *Recognizes* that actions by the international community, in consultation and coordination with the concerned State, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems;

**No. 95 (LIV) – 2003**

(r) *Looks forward to* the review by UNHCR of protracted refugee situations which will enable States and UNHCR to identify and further analyze situations which might benefit from a comprehensive plan of action;<sup>[4]</sup>

<sup>[4]</sup> Agenda for Protection, Goal 5, Objective 1, Action 1.

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(g) *Recommends* that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Identification of women and girls at risk

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

## CONVENTION OF 1951 AND 1967 PROTOCOL

### Accession

*The Executive Committee,*

#### **No. 1 (XXVI) – 1975**

(c) *Stressed* that, in keeping with the universal character of the problem of refugees, many more States should accede to international instruments relating to the status of refugees and that these instruments be fully implemented according to both the letter and spirit in which they had been conceived;

#### **No. 2 (XXVII) – 1976**

(b) *Welcomed* new accessions to the 1951 Convention and 1967 Protocol and urged all Governments to accede to these instruments and scrupulously to observe their provisions;

#### **No. 11 (XXIX) – 1978**

(f) *Welcomed* the accession by additional States to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees but noted with concern that a large number of States including States having sizeable refugee problems, had not acceded to either of these instruments;

(g) *Recalled* the Conclusions adopted in this matter at its twenty eighth session and expressed the hope that additional States would accede to the 1951 Convention and the 1967 Protocol in the near future;

#### **No. 14 (XXX) – 1979**

(f) *Considered* it urgent that further States acceded to the 1951 Convention and to the 1967 Protocol and that States already parties to these instruments which had not yet done so adopt appropriate measures to implement their provisions especially as regards procedures for determining refugee status;

#### **No. 16 (XXXI) – 1980**

(g) *Noted* that while an increasing number of States had become parties to the 1951 United Nations Refugee Convention and to the 1967 Protocol, there was an urgent need for further States to accede with a view to the provisions of these instruments acquiring universal application;

#### **No. 21 (XXXII) – 1981**

(b) *Noted* in particular the progress made as regards further accessions to the 1951 United Nations Convention and the 1969 Protocol relating to the Status of Refugees and welcomed accession to these basic international refugee instruments by Angola, Chad, Egypt, Japan, Lesotho, Philippines, Sierra Leone and Zimbabwe;

(c) *Expressed* the hope that further States would accede to the Convention and to the Protocol and that those States which still maintain the geographical limitation in respect of their obligations under the Convention will give active consideration to the possibility of withdrawing this limitation;

**No. 25 (XXXIII) – 1982**

(f) *Noted* with satisfaction the continuing progress made since the Committee's thirty-second session as regards further accessions to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and welcomed accession to these basic international refugee instruments by Japan, Bolivia and the People's Republic of China;

(g) *Expressed* the hope that further States will accede to the Convention and Protocol and to other international instruments defining the basic rights of refugees at the universal and the regional levels;

**No. 29 (XXXIV) – 1983**

(f) *Stressed* the importance for further States to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and welcomed the additional accessions to these important humanitarian instruments which had taken place since the Committee's thirty-third session;

**No. 33 (XXXV) – 1984**

(i) *Welcomed* the additional accessions to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees which had taken place since the Committee's thirty-fourth session and expressed the hope that further States – and in particular States confronted with large-scale refugee problems – would accede to these basic international refugee instruments in the near future, thereby strengthening the framework of international solidarity and burden-sharing of which these instruments are an essential part;

**No. 36 (XXXVI) – 1985**

(d) *Welcomed* the fact that a large number of States had now acceded to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol and expressed the hope that further States would accede to these instruments in the near future, thereby strengthening the framework of international solidarity and burden-sharing of which these instruments are an integral part;

(e) *Welcomed* the fact that one country has recently withdrawn the geographical limitation in respect of its obligations under the 1951 United Nations Refugee Convention and that the question of such withdrawal is being given favourable consideration by another country; recommended consideration of the withdrawal of the geographical limitation by those States which still maintain it;

**No. 41 (XXXVII) – 1986**

(f) *Welcomed* the recent accessions of Equatorial Guinea, Tuvalu, Papua New Guinea and Venezuela, to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees, thereby bringing to over 100 the number of States parties to these basic humanitarian instruments and welcomed the efforts of the Office to promote further accessions to these instruments to which it was hoped that all members of the United Nations would in due course become parties;

**No. 46 (XXXVIII) – 1987**

(q) *Welcomed* the further accessions by States to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and requested the High Commissioner to continue his efforts to

promote accessions to these and other relevant instruments, in particular by States confronted with large-scale refugee problems;

**No. 51 (XXXIX) – 1988**

(2) *Called upon* all States which have not yet done so to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and, if applicable, to the 1969 Organization of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa in order to ensure the widest possible application of the basic principles of refugee law.

**No. 55 (XL) – 1989**

(o) *Welcomed* the recent accession of Hungary to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and encouraged the High Commissioner actively to promote further the universal applicability of these instruments;

**No. 65 (XLII) – 1991**

(k) *Welcomes* the recent accessions by Romania and Poland to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, appeals to States which have not yet acceded to these instruments to do so, thereby promoting international burden-sharing and facilitating the handling and resolution of refugee situations, and encourages all States actively to support the efforts of the High Commissioner to promote universal accession;

**No. 68 (XLIII) – 1992**

(b) *Notes* the recent accessions by Albania, the Czech and Slovak Federal Republic and Honduras, and the notification of succession by Slovenia to the 1951 Convention and the 1967 Protocol without geographic limitation, and encourages other States to accede to these instruments in order to promote further international cooperation in responding to and resolving refugee problems;

**No. 71 (XLIV) – 1993**

(c) *Welcomes*, in this connection, the recent accession or succession of Armenia, Azerbaijan, the Bahamas, Bosnia and Herzegovina, Bulgaria, Cambodia, the Czech Republic, the Republic of Korea, the Russian Federation and the Slovak Republic to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing the number of States parties to one or both instruments to 123, and encourages other States to accede to these instruments and to implement their provisions and thus to promote further international cooperation in responding to and resolving refugee problems;

**No. 74 (XLV) – 1994**

(d) *Welcomes* the accession or succession to these instruments in the past year of Dominica, The Former Yugoslav Republic of Macedonia, and Tajikistan, bringing to 127 the number of States parties to one or both instruments, and, noting that the Member States of the United Nations now number 189, and in view of the global character of the refugee problem, urges States which are not yet parties to accede to these instruments, and all States to implement them fully;

**No. 77 (XLVI) – 1995**

(d) *Welcomes* the accession of Namibia, the Solomon Islands, Samoa, and Antigua and Barbuda to the 1951 Convention and/or the 1967 Protocol, bringing to 130 the number of States parties to one or both instruments, and urges States which are not yet party to accede to these instruments, and all States to implement them fully;



**No. 79 (XLVII) – 1996**

(c) *Recalls* in this regard the fundamental importance of the 1951 Convention and 1967 Protocol, in particular their implementation in a manner fully compatible with the object and purpose of these instruments; and welcomes the accession of South Africa and Kyrgyzstan to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing to 132 the number of States parties to one or both instruments;

(d) *Urges* all States that have not yet done so to accede to and implement fully the 1951 Convention and its 1967 Protocol and relevant regional instruments for the protection of refugees, as applicable, thereby strengthening the framework of international protection;

**No. 81 (XLVIII) – 1997**

(l) *Welcomes* the accession of Estonia, Latvia, and Lithuania to the 1951 Convention and the 1967 Protocol, bringing to 135 the number of States parties to one or both of these instruments;

(m) *Notes* with appreciation that a number of States not party to the 1951 Convention and its 1967 Protocol continue to maintain a generous approach to asylum; nevertheless, considering that over fifty States have yet to accede to these instruments, encourages the High Commissioner to continue to promote further accessions; and urges all States that have not yet done so to accede to and implement fully these instruments, as well as relevant regional instruments for the protection of refugees, where applicable, thereby strengthening the framework of international protection;

**No. 85 (XLIX) – 1998**

(e) *Encourages* UNHCR and States to strengthen their efforts to promote broader accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to cooperate to promote a universal and full implementation of these instruments;

**No. 87 (L) – 1999**

(e) *Welcomes* the accession of Georgia and Kazakhstan to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, bringing to 138 the number of States parties to one or both of these instruments; and encourages UNHCR and States to strengthen their efforts to promote broader accession to

**No. 90 (LII) – 2001**

(b) *Notes* with satisfaction that one hundred and forty-one States are now party to one instrument or both, *encourages* States and UNHCR to strengthen their efforts to promote broader accession to these instruments and *stresses* the importance of their full application by States parties, consistent with their commitments and obligations;

**No. 99 (LV) – 2004**

(c) *Welcomes* the accession of Saint Vincent and the Grenadines to the 1967 Protocol; appeals to States which have not acceded to the 1951 Convention and/or the 1967 Protocol to consider doing so and to States which have made reservations to these instruments to consider lifting them; and reiterates the central place of these instruments in the international refugee protection regime and the importance of their full implementation;

**No. 102 (LVI) – 2005**

(c) *Welcomes* the accession of Afghanistan to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, bringing the number of States parties to either one or both of these instruments to 146; also *welcomes* the inclusion of the 1951 Convention and its 1967 Protocol in the list of instruments identified by the Secretary-General for the annual treaty event entitled “Focus 2005: Responding to Global Challenges” held in New York in September 2005; and *appeals* to States which have not yet acceded to these instruments to consider doing so and to States which have made reservations to consider lifting them;

**No. 103 (LVI) – 2005**

(f) *Calls on* States to make maximum use of existing protection instruments when addressing international protection needs; and *encourages* States that have not already done so to consider accession to the 1951 Convention and the 1967 Protocol and to relevant, applicable regional instruments and/or to consider lifting existing limitations or withdrawing reservations in order to ensure the widest possible application of the protection principles they contain;

**No. 108 (LIX) – 2008**

*Welcoming* the succession of Montenegro to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and *appealing* to States which have not yet acceded to these instruments to consider doing so, and to States which have made reservations to consider lifting them,

## **Conclusions Specific to the Convention and Protocol**

*The Executive Committee,*

**No. 4 (XXVIII) – 1977 – International Instruments**

(a) *Noted* with disappointment that since the Committee’s twenty seventh session only one further State had acceded to the 1951 Convention and to the 1967 Protocol relating to the Status of Refugees;

(b) *Noted* further that a large number of States had still not become parties to these instruments and recommended that the High Commissioner undertake a concerted and determined initiative at the highest level to promote further accessions;

(c) *Considered* that such an initiative should also extend to promoting the withdrawal of the geographical limitation still maintained by certain States in respect of their obligations under the 1951 Convention and the 1967 Protocol;

(d) *Reaffirmed* the fundamental importance of the Statute of the Office of the United Nations High Commissioner for Refugees as a basis for the international protection function of the High Commissioner, particularly in respect of States which had not yet acceded to the 1951 Convention or the 1967 Protocol or whose obligations under these instruments were restricted by the geographical limitation.

**No. 42 (XXXVII) – 1986 – Accession to International Instruments and their Implementation**

(a) *Recalled* that in numerous earlier conclusions the Executive Committee had appealed to States to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and that similar appeals had also been addressed to Governments in various resolutions of the United Nations General Assembly;

- (b) *Noted* with satisfaction that more than 100 States had now become parties to the 1951 Convention and/or the 1967 Protocol;
- (c) *Recognized* that these instruments incorporate fundamental principles of refugee law including the principle of *non-refoulement* and lay down minimum standards for the treatment of refugees and thus constitute the corner-stone of international protection;
- (d) *Stressed* that accession to the 1951 Convention and the 1967 Protocol implies a commitment to and a reinforcement of the fundamental principles which these instruments embody, underlines the importance attached by each acceding State to international efforts to solve refugee problems and reflects the universal character that the refugee problem has now assumed;
- (e) *Recognized* that widespread accession to these instruments reaffirms their universal applicability and serves to reinforce the international legal framework for the protection of refugees and thereby facilitates the exercise of the High Commissioner's international protection function;
- (f) *Called* on States not having acceded to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees to accede to these instruments;
- (g) *Recommended* consideration of the withdrawal of the geographical limitation and reservations to these instruments by those States which still maintain them;
- (h) *Recalled* that the 1951 Convention and the 1967 Protocol are complemented by various international instruments of relevance to refugees adopted at the universal level as well as by a number of standard setting instruments adopted at the regional level and called upon States to consider acceding to such additional universal instruments and to such other instruments as are applicable to their region;
- (i) *Noted* that accession to the various international refugee instruments, whether of a universal or regional character, is now of utmost importance in view of the magnitude and the seriousness of the contemporary refugee problem and requested the High Commissioner to continue his efforts at the highest level to promote further accession to the international refugee instruments;
- (j) *Recommended* to States which have not yet done so, to consider adopting appropriate legislative and/or administrative measures for the effective implementation of the international refugee instruments, making the necessary distinction between refugees and other aliens.

**No. 43 (XXXVII) – 1986 – Geneva Declaration on the 1951 United Nations Convention and the Protocol relating to the Status of Refugees**

Whereas serious and large-scale refugee problems continue to exist in many regions of the world;

Whereas accession to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees is of importance in strengthening the legal situation of refugees and in facilitating the exercise by the High Commissioner of his international protection function;

Whereas accession to these basic humanitarian instruments defining the legal status of refugees by a large number of States in different regions of the world reflects the fundamental importance, often recalled in resolutions of the General Assembly, of the principles they contain and assists in establishing their universal applicability;

Whereas recent accessions to the Convention and the Protocol have brought the number of States parties to these instruments to one hundred and one;

Now therefore,

The Executive Committee, recalling the need for universal accession to these instruments,

- (1) *Solemnly calls upon* States that have not yet become parties to these basic humanitarian instruments to accede to them so that they can acquire a truly universal character;
- (2) *Expresses* the hope that by the 40th anniversary of the adoption of the 1951 Convention relating to the Status of Refugees all Member States of the United Nations will have acceded to these instruments;
- (3) *Stresses* that, in addition to accession, effective application of the principles and provisions of the 1951 Convention and the 1967 Protocol are of the utmost importance;
- (4) *Calls upon* the Chairman and Member States of the Executive Committee to assist the High Commissioner in his efforts to promote further accessions to the 1951 Convention and the 1967 Protocol.

**No. 103 (LVI) – 2005**

- (a) *Urges* State Parties to implement their obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;
- (c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;

**No. 104 (LVI) – 2005 – Local Integration**

- (d) *Notes* that the 1951 Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration; recognizes the need for State Parties to implement their obligations under these instruments fully and effectively; and therefore *encourages* State Parties maintaining reservations to consider withdrawing them; and *calls on* States to facilitate, as appropriate, the integration of refugees, including, as far as possible, through facilitating their naturalization;
- (l) *Affirms* the particular importance of the legal dimension of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing, and in this respect:
  - i. *recognizes* the relevance of the 1951 Convention and its 1967 Protocol and relevant human rights instruments as providing a useful legal framework for guiding the local integration process;

## **Implementation**

*The Executive Committee,*

**No. 1 (XXVI) – 1975**

- (b) *Fully endorsed* the proposal that at an appeal be made urging States Members of the United Nations and non-member States to conform fully with the humanitarian principles governing the protection of refugees and, in particular, to abide by the provisions of the 1951 Convention relating

to the Status of Refugees and of its 1967 Protocol and scrupulously to observe the principle whereby no refugee should be forcibly returned to a country where he fears persecution;

(c) *Stressed* that, in keeping with the universal character of the problem of refugees, many more States should accede to international instruments relating to the status of refugees and that these instruments be fully implemented according to both the letter and spirit in which they had been conceived;

**No. 2 (XXVII) – 1976**

(c) *Recommended* that the High Commission should continue to follow up on the application and implementation of the 1951 Convention and 1967 Protocol in various member States, including national practice and procedures for the recognition of refugee status, and to submit a report to the Executive Committee on the subject in due course;

**No. 11 (XXIX) – 1978**

(h) *Recognized* the need for appropriate legislative or administrative measures on the national level with a view to the effective implementation of the 1951 Convention and the 1967 Protocol and urged all States parties to these instruments which had not yet done so to, initiate necessary measures in this regard;

**No. 14 (XXX) – 1979**

(f) *Considered* it urgent that further States acceded to the 1951 Convention and to the 1967 Protocol and that States already parties to these instruments which had not yet done so adopt appropriate measures to implement their provisions especially as regards procedures for determining refugee status;

**No. 16 (XXXI) – 1980**

(h) *Noted* with appreciation that further States had adopted measures to implement the provisions of the Convention and the Protocol, especially as regards procedures for determining refugee status, and stressed the need for increased co-operation between Governments and UNHCR in this matter;

**No. 19 (XXXI) – 1980**

(d) *Stressed* the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol, and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

**No. 21 (XXXII) – 1981**

(c) *Expressed* the hope that further States would accede to the Convention and to the Protocol and that those States which still maintain the geographical limitation in respect of their obligations under the Convention will give active consideration to the possibility of withdrawing this limitation;

(d) *Noted* with satisfaction the measures taken by various States to ensure the effective implementation of their obligations under the Convention and Protocol, in particular as regards procedures for determining refugee status as described in document A/AC.96/INF.152/Rev.3 and expressed the hope that such measures be taken by all States parties to the international refugee instruments;

**No. 25 (XXXIII) – 1982**

(h) *Noted* with satisfaction the measures taken or currently envisaged by various States to ensure the effective implementation of their obligations under the Convention and the Protocol in particular as regards procedures for determining refugee status;

**No. 29 (XXXIV) – 1983**

(g) *Called* on all States to ensure the full and effective application of these and other instruments for the protection of refugees to which they are parties;

(h) *Noted* with satisfaction that further States have adopted national measures to ensure the effective implementation of the provisions of the 1951 Convention and the 1967 Protocol, particularly as regards procedures for the determination of refugee status, and stressed the importance for States to establish such procedures to ensure fair and equitable decision-making in line with the conclusions adopted by the Executive Committee at its twenty-eighth [No. 8] and thirty-third sessions [No. 28];

**No. 41 (XXXVII) – 1986**

(g) *Reiterated* the importance of national legislative and/or administrative measures to ensure the effective implementation of the standards defined in applicable international refugee instruments and welcomed the efforts of the High Commissioner to promote the further adoption of such measures;

**No. 43 (XXXVII) – 1986**

3. *Stresses* that, in addition to accession, effective application of the principles and provisions of the 1951 Convention and the 1967 Protocol are of the utmost importance;

**No. 46 (XXXVIII) – 1987**

(r) *Welcomed* the recent adoption by a number of States of national administrative and legislative measures to implement effectively the provisions of the international refugee instruments, including the establishment of appropriate procedures for the determination of refugee status;

**No. 49 (XXXVIII) – 1987**

(d) *Urged* all States parties to the 1951 U.N. Convention and/or the 1967 Protocol which have not yet done so to take appropriate legislative or administrative measures to implement effectively the provisions of these instruments concerning the issue of Convention Travel Documents (Article 28, Schedule, Annex), including the giving of clear instructions to national authorities competent to issue, renew and extend travel documents and grant visas to holders of Convention Travel Documents;

**No. 57 (XL) – 1989 – Implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees**

*Bearing in mind* that the fortieth anniversary of the 1951 Convention relating to the Status of Refugees will be celebrated in 1991;

*Reiterating* the fundamental importance of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees for the protection of refugees and the enhancement of their status in countries of asylum;

*Taking into account* Conclusions 42 and 43 (XXXVII) adopted by the Executive Committee at its Thirty-seventh Session, which *inter alia* stressed the utmost importance of effective application of the Convention and Protocol;

*Underlining* again the need for the full and effective implementation of these instruments by Contracting States;

*Bearing in mind* that, pursuant to Article 35 of the 1951 Convention, States Parties are required to facilitate UNHCR's supervisory duty in relation to the Convention, including through the provision of information and statistical data concerning implementation;

(a) *Stressed* the need for a positive and humanitarian approach to continue to be taken by States to implementation of the provisions of the Convention and Protocol in a manner fully compatible with the object and purposes of these instruments;

(b) *Reiterated* its request to States to consider adopting appropriate legislative and/or administrative measures for the effective implementation of these international refugee instruments;

(c) *Invited* States also to consider taking whatever steps are necessary to identify and remove possible legal or administrative obstacles to full implementation;

(d) *Requested* the High Commissioner to prepare a more detailed report on implementation of the 1951 Convention and the 1967 Protocol for consideration by this Sub-Committee in connection with activities to celebrate the fortieth anniversary of the Convention and called on States Parties to facilitate this task, including through the timely provision to the High Commissioner, when requested, of detailed information on implementation of the convention and/or Protocol in their respective countries.

**No. 61 (XLI) – 1990**

(i) *Encourages* all States parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to respond as soon as possible to the questionnaire on implementation of these instruments circulated by the High Commissioner, so that he can submit a detailed report on their implementation to the forty-second session of the Executive Committee;

**No. 65 (XLII) – 1991**

(l) *Expresses* appreciation to the High Commissioner for the interim report on implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and calls on all States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner;

(m) *Acknowledges* the value of reporting by States Parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol and requests UNHCR to accord public access to States' replies to the afore-mentioned questionnaire with the agreement of the States concerned;

**No. 68 (XLIII) – 1992**

(c) *Notes* the value of reporting by States parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol, again urges States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner, and calls upon the High Commissioner and all States to work together to strengthen implementation, including through heightened promotional efforts, better monitoring arrangements and more harmonized application of the refugee definition criteria;

**No. 79 (XLVII) – 1996**

(c) *Recalls* in this regard the fundamental importance of the 1951 Convention and 1967 Protocol, in particular their implementation in a manner fully compatible with the object and purpose of these instruments; and welcomes the accession of South Africa and Kyrgyzstan to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing to 132 the number of States parties to one or both instruments;

(e) *Invites* States parties to the 1951 Convention and/or the 1967 Protocol which, at the time of accession, made reservations with respect to any provisions of these instruments to review such reservations with a view to their withdrawal;

**No. 85 (XLIX) – 1998**

(e) *Encourages* UNHCR and States to strengthen their efforts to promote broader accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to cooperate to promote a universal and full implementation of these instruments;

**No. 89 (LI) – 2000**

*Welcoming* the continued grant of asylum to large numbers of refugees by many States but deeply disturbed by violations of internationally recognized rights of refugees which include *refoulement* of refugees, militarization of refugee camps, participation of refugee children in military activities, gender-related violence and discrimination directed against refugees, particularly female refugees, and arbitrary detention of asylum-seekers and refugees; also concerned about the less than full application of international refugee instruments by some States Parties;

*Noting* UNHCR's initiative to launch Global Consultations on International Protection and encouraging UNHCR, in parallel with these Consultations, to continue to seek practical responses, in cooperation with States and other relevant actors, to address current and future protection challenges;

(b) *Affirms* in this context that such a process, on the eve of the 50th Anniversary of the 1951 Convention relating to the Status of Refugees, offers important prospects for revitalizing refugee protection and promoting the effective implementation of the Convention and the Protocol, while at the same time identifying approaches to meet new situations not covered by these instruments;

**No. 90 (LII) – 2001**

(b) *Notes* with satisfaction that one hundred and forty-one States are now party to one instrument or both, *encourages* States and UNHCR to strengthen their efforts to promote broader accession to these instruments and *stresses* the importance of their full application by States parties, consistent with their commitments and obligations;

**No. 103 (LVI) – 2005**

*Reaffirming* that the 1951 Convention relating to the Status of Refugees together with its 1967 Protocol continue to serve as the cornerstone of the international refugee protection regime; and *noting in this regard* the fundamental importance of their full application by State Parties, including that of the fundamental principle of *non-refoulement*,

(s) *Underlines* the importance of applying and developing the international refugee protection system in a way which avoids protection gaps and enables all those in need of international protection to find and enjoy it.



**No. 104 (LVI) – 2005**

*Recalling* that the ultimate goal of international protection is to achieve durable solutions for refugees; and *noting* that a solutions orientation is inherent in General Assembly Resolution 428 (V) of 14 December 1950 adopting the Statute of the Office of the United Nations High Commissioner for Refugees, in the Statute itself, and in the 1951 Convention through its provisions on cessation, integration and naturalization,

**No. 108 (LIX) – 2008**

Protracted refugee situations

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

## **Significance of Convention and Protocol**

*The Executive Committee,*

**No. 16 (XXXI) – 1980**

(c) *Stressed* the fundamental importance of the principles established in regard to international protection and the need for these principles to be scrupulously observed in refugee situations existing in different areas of the world;

(d) *Stressed* further that while there was a need to develop legal concepts relating to international protection in the light of the special conditions prevailing in different regions, this should not detract from the absolute character of the fundamental principles already established in this field;

**No. 19 (XXXI) – 1980**

(d) *Stressed* the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol, and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

**No. 33 (XXXV) – 1984**

(i) *Welcomed* the additional accessions to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees which had taken place since the Committee's thirty-fourth session and expressed the hope that further States – and in particular States confronted with large-scale refugee problems – would accede to these basic international refugee instruments in the near future, thereby strengthening the framework of international solidarity and burden-sharing of which these instruments are an essential part;

**No. 36 (XXXVI) – 1985**

(d) *Welcomed* the fact that a large number of States had now acceded to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol and expressed the hope that further States would accede to these instruments in the near future, thereby strengthening the

framework of international solidarity and burden-sharing of which these instruments are an integral part;

**No. 61 (XLI) – 1990**

(b) *Calls upon* States, UNHCR and other concerned parties to take all necessary measures to ensure that refugees are effectively protected and recalls in this regard the fundamental importance of the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967;

**No. 71 (XLIV) – 1993**

(b) *Reaffirms* the importance of the 1951 Convention and 1967 Protocol relating to the Status of Refugees at the centre of the international legal framework for the protection of refugees;

**No. 74 (XLV) – 1994**

(c) *Reaffirms* the importance of the 1951 Convention and 1967 Protocol relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and underlines the role of the High Commissioner, pursuant to Articles 35 and II of these instruments, respectively, and to the Statute of her Office, in supervising their application;

**No. 77 (XLVI) – 1995**

(c) *Emphasizes* the primacy of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as forming the international legal basis for the protection of refugees; and underlines the value of regional instruments, as applicable, notably the OAU Convention, as well as the Cartagena and San José Declarations;

**No. 79 (XLVII) – 1996**

(c) *Recalls* in this regard the fundamental importance of the 1951 Convention and 1967 Protocol, in particular their implementation in a manner fully compatible with the object and purpose of these instruments; and welcomes the accession of South Africa and Kyrgyzstan to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing to 132 the number of States parties to one or both instruments;

(d) *Urges* all States that have not yet done so to accede to and implement fully the 1951 Convention and its 1967 Protocol and relevant regional instruments for the protection of refugees, as applicable, thereby strengthening the framework of international protection;

**No. 87 (L) – 1999**

(f) *Reaffirms* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol remain the foundation of the international refugee regime; recognizes, however, that there may be a need to develop complementary forms of protection, and in this context, encourages UNHCR to engage in consultations with States and relevant actors to examine all aspects of this issue;

**No. 89 (LI) – 2000**

*Reaffirming* that the 1951 Convention relating to the Status of Refugees and the 1967 Protocol remain the foundation of the international refugee regime; noting that complementary forms of protection adopted by some States are a pragmatic response to ensure that persons in need of such protection receive it; and recognizing in this context the importance of full application of the 1951 Convention and the 1967 Protocol by States Parties;

**No. 90 (LII) – 2001**

(a) *Notes* that the year 2001 marks the 50<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees, which together with its 1967 Protocol, has continuously served as the cornerstone of the international refugee protection regime;

**No. 92 (LIII) – 2002**

*Welcoming* particularly in this context the Declaration of States Parties adopted during the Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, convened in Geneva on 12 and 13 December 2001, to commemorate the 50th anniversary of the Convention,

**No. 95 (LIV) – 2003**

(e) *Appreciates* that the design of realistic protection policy directions for the future rests on the indispensable base of the 1951 Convention and its 1967 Protocol as well as additional initiatives, such as the Agenda for Protection and arrangements which may develop through “Convention Plus”;

**No. 100 (LV) – 2004**

*Emphasizing* States’ obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and *highlighting* that States’ continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

## **State Reporting**

*The Executive Committee,*

**No. 57 (XL) – 1989**

d) *Requested* the High Commissioner to prepare a more detailed report on implementation of the 1951 Convention and the 1967 Protocol for consideration by this Sub-Committee in connection with activities to celebrate the fortieth anniversary of the Convention and called on States Parties to facilitate this task, including through the timely provision to the High Commissioner, when requested, of detailed information on implementation of the convention and/or Protocol in their respective countries.

**No. 61 (XLI) – 1990**

(i) *Encourages* all States parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to respond as soon as possible to the questionnaire on implementation of these instruments circulated by the High Commissioner, so that he can submit a detailed report on their implementation to the forty-second session of the Executive Committee;

**No. 65 (XLII) – 1991**

(l) *Expresses* appreciation to the High Commissioner for the interim report on implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and calls on all States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner;

(m) *Acknowledges* the value of reporting by States Parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol and requests UNHCR to accord public access to States' replies to the afore-mentioned questionnaire with the agreement of the States concerned;

**No. 68 (XLIII) – 1992**

(c) *Notes* the value of reporting by States parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol, again urges States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner, and calls upon the High Commissioner and all States to work together to strengthen implementation, including through heightened promotional efforts, better monitoring arrangements and more harmonized application of the refugee definition criteria;

## **UNHCR's Supervisory Role**

*The Executive Committee,*

**No. 57 (XL) – 1989**

*Bearing in mind* that, pursuant to Article 35 of the 1951 Convention, States Parties are required to facilitate UNHCR's supervisory duty in relation to the Convention, including through the provision of information and statistical data concerning implementation;

**No. 74 (XLV) – 1994**

(c) *Reaffirms* the importance of the 1951 Convention and 1967 Protocol relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and underlines the role of the High Commissioner, pursuant to Articles 35 and II of these instruments, respectively, and to the Statute of her Office, in supervising their application;

**No. 79 (XLVII) – 1996**

(f) *Recalls* its reaffirmation of the competence of the High Commissioner in supervising the application of international instruments for the protection of refugees, and reminds States parties to the 1951 Convention and/or the 1967 Protocol of their undertaking to provide the High Commissioner with detailed information on the implementation of those instruments;

**No. 81 (XLVIII) – 1997**

(e) *Calls* on States to take all necessary measures to ensure that refugees are effectively protected, including through national legislation, and in compliance with their obligations under international human rights and humanitarian law instruments bearing directly on refugee protection, as well as through full cooperation with UNHCR in the exercise of its international protection function and its role in supervising the application of international conventions for the protection of refugees;

**No. 93 (LIII) – 2002**

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

**No. 108 (LIX) – 2008**

(c) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and welcomes in this regard the technical and financial support of other States and UNHCR as appropriate;

(d) *Stresses* the importance of UNHCR's being granted access to asylum applicants and refugees in order to enable the Office to carry out its protection functions in an effective manner, and urges States and other parties to be guided by their duty to cooperate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern;

## CONVENTION PLUS

*The Executive Committee,*

### **No. 95 (LIV) – 2003**

(e) *Appreciates* that the design of realistic protection policy directions for the future rests on the indispensable base of the 1951 Convention and its 1967 Protocol as well as additional initiatives, such as the Agenda for Protection and arrangements which may develop through “Convention Plus”;

(n) *Recalls* its Conclusion No. 92 (LIII) endorsing the Agenda for Protection as a statement of goals and objectives as well as an important inventory of recommended actions to reinforce the international refugee protection regime, guiding action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations; and welcomes in this context the updates<sup>[2]</sup> provided by UNHCR and by some States on implementation of the Agenda for Protection and UNHCR’s follow-up actions to date;

<sup>[2]</sup> EC/53/SC/CRP.10

(p) *Welcomes* the High Commissioner’s “Convention Plus” initiative and *encourages* the High Commissioner and those States which have offered to facilitate “Convention Plus” agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on “Convention Plus” developments;

(q) *Welcomes* the report of the Working Group on Resettlement<sup>3</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and reaffirms the vital role of international resettlement in providing orderly, well targeted durable solutions;

(r) *Looks forward* to the review by UNHCR of protracted refugee situations which will enable States and UNHCR to identify and further analyze situations which might benefit from a comprehensive plan of action;<sup>[4]</sup>

<sup>[4]</sup> EC/53/SC/CRP.10/Add. 1

### **No. 99 (LV) – 2004**

(t) *Acknowledges*, consistent with UNHCR’s Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore

*encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

(w) *Encourages* States, UNHCR and other relevant actors to continue their work in developing other strands of the Convention Plus initiative, including those relating to development assistance and to irregular secondary movements of refugees and asylum-seekers;

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(g) *Recommends* that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(h) *Notes* further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an ex officio basis, to examine options appropriate to the particular circumstances of the situation;

**No. 102 (LVI) – 2005**

(q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;

**No. 104 (LVI) – 2005 – Local Integration**

*Expressing* appreciation for the efforts made in recent years to redouble the search for durable solutions in the context of the Global Consultations on International Protection and of the Agenda for Protection, which fostered, *inter alia*, the Convention Plus initiative and the Framework for Durable Solutions,

## DETENTION

*The Executive Committee,*

### **No. 3 (XXVIII) – 1977**

(a) *Was gravely preoccupied* that in a number of cases the basic human rights of refugees had still not been respected, that refugees had been subjected to physical violence, to unjustified and unduly prolonged measures of detention and to measures of forcible return in disregard of the principle of *non-refoulement*.

### **No. 7 (XXVIII) – 1977**

(e) *Recommended* that an expulsion order should only be combined with custody or detention if absolutely necessary for reasons of national security or public order and that such custody or detention should not be unduly prolonged.

### **No. 36 (XXXVI) – 1985**

(f) *Noted* with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world had continued to be disregarded and that in particular refugees are being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and *refoulement*

### **No. 44 (XXXVII) – 1986 – Detention of Refugees and Asylum-Seekers**

*Recalling* Article 31 of the 1951 Convention relating to the Status of Refugees.

*Recalling* further its Conclusion No. 22 (XXXII) on the treatment of asylum-seekers in situations of large-scale influx, as well as Conclusion No. 7 (XXVIII), paragraph (e), on the question of custody or detention in relation to the expulsion of refugees lawfully in a country, and Conclusion No. 8 (XXVIII), paragraph (e), on the determination of refugee status.

*Noting* that the term “refugee” in the present Conclusions has the same meaning as that in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and is without prejudice to wider definitions applicable in different regions.

(a) *Noted* with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation;

(b) *Expressed* the opinion that in view of the hardship which it involves, detention should normally be avoided. If necessary, detention may be resorted to only on grounds prescribed by law to verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or to protect national security or public order;

(c) *Recognized* the importance of fair and expeditious procedures for determining refugee status or granting asylum in protecting refugees and asylum-seekers from unjustified or unduly prolonged detention;



(d) *Stressed* the importance for national legislation and/or administrative practice to make the necessary distinction between the situation of refugees and asylum-seekers, and that of other aliens;

(e) *Recommended* that detention measures taken in respect of refugees and asylum-seekers should be subject to judicial or administrative review;

(f) *Stressed* that conditions of detention of refugees and asylum seekers must be humane. In particular, refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as common criminals, and shall not be located in areas where their physical safety is endangered;

(g) *Recommended* that refugees and asylum-seekers who are detained be provided with the opportunity to contact the Office of the United Nations High Commissioner for Refugees or, in the absence of such office, available national refugee assistance agencies;

(h) *Reaffirmed* that refugees and asylum-seekers have duties to the country in which they find themselves, which require in particular that they conform to its laws and regulations as well as to measures taken for the maintenance of public order;

(i) *Reaffirmed* the fundamental importance of the observance of the principle of *non-refoulement* and in this context recalled the relevance of Conclusion No. 6 (XXVIII).

**No. 46 (XXXVIII) – 1987**

(f) *Reiterated* the High Commissioner's leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks, and arbitrary detention;

**No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

**No. 50 (XXXIX) – 1988**

(i) *Called upon* States, the High Commissioner and other concerned parties to take all necessary measures to ensure that refugees are protected from arbitrary detention and violence;

**No. 55 (XL) – 1989**

g) *Noted* with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation and reiterated its Conclusion No. 44 (XXXVII) which circumscribes the grounds for detention of such persons;

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of

asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

(j) *Requests* the High Commissioner to reinforce efforts to encourage or promote voluntary repatriation of refugees and their safe reintegration in the countries of origin, and urges States to facilitate these efforts, including by ensuring respect for the voluntary nature of any repatriation movement and by allowing their citizens to return in safety and dignity to their homes without harassment, arbitrary detention or physical threats during or after return,

**No. 68 (XLIII) – 1992**

(e) *Renews* its expressions of deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including numerous incidents of *refoulement*, expulsion, physical attacks on refugees and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the fundamental principles of refugee protection;

**No. 71 (XLIV) – 1993**

(f) *Notes* however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, *refoulement* and unjustified detention, as well as other threats to their physical security, dignity and well-being

**No. 85 (XLIX) – 1998**

(cc) *Recalls* Article 31 of the 1951 Convention relating to the Status of Refugees and reaffirms Conclusion No. 44.(XXXVII) on the detention of refugees and asylum-seekers;

(dd) *Deplores* that many countries continue routinely to detain asylum-seekers (including minors) on an arbitrary basis, for unduly prolonged periods, and without giving them adequate access to UNHCR and to fair procedures for timely review of their detention status; notes that such detention practices are inconsistent with established human rights standards and urges States to explore more actively all feasible alternatives to detention;

(ee) *Notes* with concern that asylum-seekers detained only because of their illegal entry or presence are often held together with persons detained as common criminals, and reiterates that this is undesirable and must be avoided whenever possible, and that asylum-seekers shall not be located in areas where their physical safety is in danger;

**No. 89 (LI) – 2000**

*Welcoming* the continued grant of asylum to large numbers of refugees by many States but deeply disturbed by violations of internationally recognized rights of refugees which include *refoulement* of refugees, militarization of refugee camps, participation of refugee children in military activities, gender-related violence and discrimination directed against refugees, particularly female refugees, and arbitrary detention of asylum-seekers and refugees; also concerned about the less than full application of international refugee instruments by some States Parties;

**No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee

children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

**No. 101 (LV) – 2004**

(f) *Strongly* urges countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Expressing concern* at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

(w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also calls on States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- xi. In recognition that detention can affect the physical and mental well-being of children and heighten their vulnerability, States should refrain from detaining children, and do so only as a measure of last resort and for the shortest appropriate period of time, while considering the best interests of the child;

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

## DISABILITY AND PERSONS OF CONCERN

*The Executive Committee,*

### **No. 47 (XXXVIII) – 1987**

(l) *Stressed* the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the “Twenty or More” Plan providing for the resettlement of disabled refugee children;

### **No. 74 (XLV) – 1994**

(ii) *Notes* with distress the injury and loss of life caused to refugees and returnees, including women and children who are maimed and incapacitated in large numbers, by the indiscriminate use of land-mines, as well as the harmful and long-term impact of these weapons on the voluntary repatriation, rehabilitation, and resumption of normal lives of millions of refugees and displaced persons, and endorses the High Commissioner’s efforts to further international efforts to reduce or eliminate the threat that land-mines pose to them;

### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

#### Identification of women and girls at risk

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

### **No. 107 (LVIII) – 2007 – Children at Risk**

#### Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

**No. 108 (LIX) – 2008**

Refugees and others of concern with disabilities

(i) *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and, for State parties, *underlines* that refugees and others of concern to UNHCR with disabilities are entitled on the same basis as others to the full enjoyment of the rights and standards set forth in these instruments without discrimination;

(j) *Emphasizes* the importance of promoting a protection and reception environment, with particular attention given to vulnerability of children and women, that encourages the systematic inclusion of refugees and others of concern with disabilities in all areas of society, including in national programmes and policies, and mobilizes financial and other necessary resources, as appropriate, to support host countries efforts in this regard on the basis of international solidarity and burden sharing;

(k) *Urges* UNHCR and its partners to take all necessary measures to actively promote and achieve inclusion of persons with disabilities, at all stages: displacement, temporary settlement and in the search for durable solutions, in order to reduce the gap between principles and standards and the reality experienced by displaced persons with disabilities;

## DISCRIMINATION

*The Executive Committee,*

### **No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

(d) Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin;

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

## II. Measures of Protection

### A. Admission and *Non-Refoulement*

1. In situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them at least on a temporary basis and provide them with protection according to the principles set out below. They should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.

### **No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism

### **No. 85 (XLIX) – 1998**

(g) *Recognizes* that the refugee experience, in all its stages, is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, and reaffirms the importance in this regard of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development;

### **No. 93 (LIII) – 2002**

(d) *Urges* States and UNHCR, in collaboration with other relevant actors, to combat acts of racism, racial discrimination, xenophobia, and related intolerance directed against asylum-seekers and to take appropriate measures to create or enhance harmonious relationships with the local communities, *inter alia*, by promoting respect for asylum-seekers and refugees, by creating

awareness of their needs, as well as promoting respect for the local culture, customs and religions among asylum-seekers.

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

**No. 103 (LVI) – 2005**

*Reaffirming* the principle that all human beings shall enjoy human rights and fundamental freedoms without discrimination, including the right to seek and enjoy asylum,

(n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant international instruments and giving due regard to the best interest of the child and family unity principles;

**No. 104 (LVI) – 2005 – Local Integration**

*Recalling* Executive Committee Conclusion No. 15, that decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion or membership of a particular social group, nationality or country of origin; and *acknowledging* in this context that integration potential should not be a criterion for granting asylum,

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

- i. *encourages* the implementation of anti-discrimination policies and awareness-raising activities aimed at combating institutionalized discrimination and at promoting the positive aspects of a diverse society and interaction between refugees, the local population, civil society and refugee organizations;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Identification of women and girls at risk

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not



sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;

**No. 108 (LIX) – 2008**

General international protection concerns

(b) *Also calls upon* States to take steps to prevent acts of violence against refugees and other persons of concern, to facilitate their access without discrimination to effective legal remedies, to safeguard their physical safety, to strengthen justice systems as appropriate, and to bring perpetrators of such violence to justice;

Refugees and others of concern with disabilities

(i) *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and, for State parties, *underlines* that refugees and others of concern to UNHCR with disabilities are entitled on the same basis as others to the full enjoyment of the rights and standards set forth in these instruments without discrimination;

## DOCUMENTATION

### Conclusions Specific to Documentation

*The Executive Committee,*

#### **No. 13 (XXIX) – 1978 – Travel Documents for Refugees**

(a) *Reaffirmed* the importance of the issue of travel documents to refugees for temporary travel outside their country of residence and for Resettlement in other countries;

(b) *Urged* all States parties to the 1951 Convention and/or the 1967 Protocol to issue to all refugees, lawfully staying in their territory and who wish to travel, travel documents as provided for in the 1951 Convention (article 28, schedule and annex);

(c) *Recommended* that such Convention Travel Documents should have a wide validity, both geographically and in time, and should contain-as provided for in paragraph 13 of the schedule-a return clause with the same period of validity, in the absence of very special circumstances, as that of the travel document itself;

(d) *Recommended* that in order to avoid unnecessary hardship a refugee requesting an extension of validity or renewal of his Convention Travel Document should not be required to return to the issuing country for that purpose and should be enabled to secure such extension of validity or renewal of the Convention Travel Document, also for periods beyond six months, by or through the diplomatic or consular representatives of the issuing State;

(e) *Recommended* that, with a view to avoiding divergent interpretations of paragraphs 6 and 11 of the schedule and the resulting hardships to refugees, Contracting States make appropriate arrangements, including the adoption of bilateral or multilateral agreements, concerning the transfer of responsibility for the issue of Convention Travel Documents;

(f) *Expressed* the hope that bilateral and multilateral arrangements, concluded with a view to facilitating travel by their nationals, e.g. as regards the simplification of visa formalities or the abolition of visa fees, be extended by Contracting States also to refugees lawfully residing in their respective territory;

(g) *Expressed* the hope that States which are not parties to the 1951 Convention or the 1967 Protocol will issue to refugees lawfully residing in their territory appropriate travel documents under conditions as similar as possible to those attaching to the issue of 1951 Convention Travel Documents;

(h) *Expressed* appreciation for the Note on Travel Documents for Refugees (EC/SCP/10) submitted by the High Commissioner, was in general agreement with its contents and recommended that, in an appropriate form and together with the above conclusions, it be communicated to Governments by the High Commissioner in support of his efforts to promote the issue of travel documents to refugees in accordance with internationally accepted standards.

#### **No. 35 (XXXV) – 1984 – Identity Documents for Refugees**

(a) *Recognized* the need for refugees to have documentation enabling them to establish their identity and noted that Article 27 of the 1951 United Nations Refugee Convention requires

Contracting States to issue identity papers to any refugee in their territory who does not have a valid travel document;

(b) *Recalled* that in a conclusion adopted at its twenty-eighth session (A/32/12/Add.1, para. 53 (6)(e)) the Executive Committee recommended that recognized refugees should be issued documentation certifying their refugee status;

(c) *Noted* with approval the general practice of States to provide refugees with documents, in the form prescribed by their national legislation, enabling them to establish their identity and their refugee status, and recommended that States which have not yet done so should ensure that refugees are provided with such documentation;

(d) *Recommended* that asylum applicants whose applications cannot be decided without delay be provided with provisional documentation sufficient to ensure that they are protected against expulsion or *refoulement* until a decision has been taken by the competent authorities with regard to their application;

(e) *Noted* that in countries where there is no provision for the formal recognition of refugee status, it may be necessary for UNHCR, with the consent of the authorities of the asylum country, to certify that a person is considered a refugee within the UNHCR mandate; and

(f) *Recognized* the value of registering and issuing appropriate documentation to refugees in large-scale influx situations, and recommended that States which have not yet done so should undertake such registration and documentation programmes, where appropriate in cooperation with UNHCR

#### **No. 49 (XXXVIII) – 1987 – Travel Documents for Refugees**

*Reaffirming* the importance of the issue of travel documents to refugees for temporary travel outside their country of residence and for resettlement in other countries;

*Recalling* its Conclusion No. 13 (XXIX) on Travel Documents for Refugees;

*Recalling* further Article 28 of the 1951 United Nations Convention relating to the Status of Refugees and the Schedule and Annex thereto;

(a) *Welcomed* the Note of the High Commissioner on follow-up to the earlier Conclusion of the Executive Committee on Travel Documents for Refugees (EC/SCP/48);

(b) *Expressed* satisfaction that the great majority of States parties to the 1951 U.N. Convention and/or the 1967 Protocol follow or sometimes exceed the above-mentioned provisions of the 1951 U.N. Convention and Conclusion No. 13 (XXIX) concerning the issue of travel documents to refugees;

(c) *Noted*, however, that in some countries problems concerning Convention Travel Documents continue to exist as regards arrangements for their issue, their geographical and temporal validity, the return clause, their extension or renewal, the transfer of responsibility for their issue and the obtaining of visas;

(d) *Urged* all States parties to the 1951 U.N. Convention and/or the 1967 Protocol which have not yet done so to take appropriate legislative or administrative measures to implement effectively the provisions of these instruments concerning the issue of Convention Travel Documents (Article 28, Schedule, Annex), including the giving of clear instructions to national authorities competent to issue, renew and extend travel documents and grant visas to holders of Convention Travel Documents;

(e) *Urged* all States not parties to the 1951 U.N. Convention and/or the 1967 Protocol which have not yet done so to take appropriate legislative or administrative measures to ensure that refugees are issued with appropriate travel documents under conditions as similar as possible to those attaching to the Convention Travel Documents;

(f) *Expressed* appreciation for the various types of assistance the High Commissioner provides Governments with respect to the issue of travel documents for refugees and requested him to continue his efforts in this regard, in particular by examining the possibility of modernizing the format of Convention Travel Documents.

#### **No. 102 (LVI) – 2005**

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

## **Confidentiality**

*The Executive Committee,*

#### **No. 91 (LII) – 2001**

(b) *Recommends* that the registration of refugees and asylum-seekers should be guided by the following basic considerations:

(ii) The registration process should abide by the fundamental principles of confidentiality;

(v) Personnel conducting the registration, including, where necessary, refugees and asylum-seekers, should be adequately trained, should include a sufficient number of female staff and should have clear instructions on the procedures and requirements for registration, including the need for confidentiality of information collected; special measures should be taken to ensure the integrity of the registration process;

(f) *Recognizes* the confidential nature of personal data and the need to continue to protect confidentiality; also recognizes that the appropriate sharing of some personal data in line with data protection principles can assist States to combat fraud, to address irregular movements of refugees and asylum-seekers, and to identify those not entitled to international protection under the 1951 Convention and/or 1967 Protocol;

#### **No. 93 (LIII) – 2002**

(viii) In the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given access to asylum-seekers in

order to exercise its function of international protection, taking into account the well-being of persons entering reception or other refugee centres; and asylum-seekers are entitled to have access to UNHCR;

#### **No. 98 (LIV) – 2003**

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, *inter alia* by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

- (ii) Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;

#### **No. 102 (LVI) – 2005**

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Preventive strategies

- (i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:
  - i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Fundamentals of child protection

- (b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

xiii. A collaborative approach whereby all relevant actors work together to: identify risks faced by children; undertake participatory situation and comprehensive gap analyses to identify, assess and respond to the wider environmental and individual factors placing children at heightened risk; and document and share information with due respect for rules of confidentiality;

## **Destruction of Documents / Fraudulent Documents**

*The Executive Committee,*

### **No. 44 (XXXVII) – 1986**

(b) *Expressed* the opinion that in view of the hardship which it involves, detention should normally be avoided. If necessary, detention may be resorted to only on grounds prescribed by law to verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or to protect national security or public order;

### **No. 58 (XL) – 1989**

(a) The phenomenon of refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, is a matter of growing concern. This concern results from the destabilizing effect which irregular movements of this kind have on structured international efforts to provide appropriate solutions for refugees. Such irregular movements involve entry into the territory of another country, without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation. Of similar concern is the growing phenomenon of refugees and asylum-seekers who wilfully destroy or dispose of their documentation in order to mislead the authorities of the country of arrival;

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

(iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned and,

(h) The problem of irregular movements is compounded by the use, by a growing number of refugees and asylum-seekers, of fraudulent documentation and their practice of wilfully destroying or disposing of travel and/or other documents in order to mislead the authorities of their country of arrival. These practices complicate the personal identification of the person concerned and the determination of the country where he stayed prior to arrival, and the nature and duration of his stay in such a country. Practices of this kind are fraudulent and may weaken the case of the person concerned;

(i) It is recognized that circumstances may compel a refugee or asylum-seeker to have recourse to fraudulent documentation when leaving a country in which his physical safety or freedom are endangered. Where no such compelling circumstances exist, the use of fraudulent documentation is unjustified;

(j) The wilful destruction or disposal of travel or other documents by refugees and asylum-seekers upon arrival in their country of destination, in order to mislead the national authorities as to their previous stay in another country where they have protection, is unacceptable. Appropriate

arrangements should be made by States, either individually or in co-operation with other States, to deal with this growing phenomenon.

## **Identity Documents / Certificates of Refugee Status / Personal Documentation**

*The Executive Committee,*

### **No. 8 (XXVIII) – 1977**

(e) *Recommended* that procedures for the determination of refugee status should satisfy the following basic requirements:

- (v) If the applicant is recognized as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.

### **No. 18 (XXXI) – 1980**

(i) *Called upon* the governments concerned to provide repatriating refugees with the necessary travel documents, visas, entry permits and transportation facilities and, if refugees have lost their nationality, to arrange for such nationality to be restored in accordance with national legislation;

### **No. 24 (XXXII) – 1981**

*Adopted* the following conclusions on the reunification of separated refugee families.

(6) When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not per se be considered as an impediment.

### **No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

- (viii) Issue individual identification and/or registration documents to all refugee women;

### **No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

### **No. 72 (XLIV) – 1993**

(b) *Urges* States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by



ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;

**No. 73 (XLIV) – 1993**

*Noting* also distressing reports that refugees and asylum-seekers, including children, in many instances have been subjected to rape or other forms of sexual violence during their flight or following their arrival in countries where they sought asylum, including sexual extortion in connection with the granting of basic necessities, personal documentation or refugee status,

(c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

**No. 91 (LII) – 2001**

*Recalling* its Conclusion No. 22 (XXXII) on the protection of asylum-seekers in situations of large-scale influx, Conclusion No. 35 (XXXV) on identity documents for refugees, Conclusion No. 39 (XXXVI) and Conclusion No. 64 (XLI) on refugee women and international protection, as well as Conclusion No. 73 (XLIV) on refugee protection and sexual violence;

*Noting* also that the 1951 Convention relating to the Status of Refugees in article 27, calls on States Parties to issue identity papers to refugees;

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(vi) In principle, refugees should be registered on an individual basis with the following basic information being recorded: identity document and number, photograph, name, sex, date of birth (or age), marital status, special protection and assistance needs, level of education, occupation (skills), household (family) size and composition, date of arrival, current location and place of origin;

(d) *Also encourages* States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including biometrics features, and to share these with a view towards developing a more standardized worldwide registration system;

(g) *Requests* States, which have not yet done so, to take all necessary measures to register and document refugees and asylum-seekers on their territory as quickly as possible upon their arrival, bearing in mind the resources available, and where appropriate to seek the support and co-operation of UNHCR;

(h) *Emphasizes* the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations.

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following considerations:

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

**No. 99 (LV) – 2004**

(f) *Recalls* its Conclusion No. 91 (LII) on registration of refugees and asylum-seekers; *reiterates* the fundamental importance of early registration as a key protection tool and the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations; *welcomes* in this context the significant progress achieved in the area of registration as evidenced by the ongoing roll-out of registration and documentation activities under the auspices of Project Profile; and *encourages* States and UNHCR to continue their work in this regard with the assistance of other relevant actors as appropriate;

**No. 100 (LV) – 2004**

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;

**No. 101 (LV) – 2004**

(l) *Notes* also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may

face difficulties securing recognition of documentation issued by the authorities of the country of asylum;

**No. 102 (LVI) – 2005**

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

**No. 104 (LVI) – 2005 – Local Integration**

(h) *Reaffirms* the importance, in this respect, of registration, or ad hoc surveys where these take place, as a means of facilitating the implementation of appropriate durable solutions; and *encourages* States and UNHCR to utilize the registration data of refugees in this process, in a manner that fully respects international norms and standards regarding the protection of personal data;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;

## Registration

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### II. Measures of Protection

##### B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

(m) appropriate arrangements should be made, where possible, for the registration of births, deaths and marriages;

### **No. 35 (XXXV) – 1984**

(f) *Recognized* the value of registering and issuing appropriate documentation to refugees in large-scale influx situations, and recommended that States which have not yet done so should undertake such registration and documentation programmes, where appropriate in cooperation with UNHCR.

### **No. 47 (XXXVIII) – 1987**

(f) *Urged* States to take appropriate measures to register the births of refugee children born in countries of asylum;

### **No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(viii) Issue individual identification and/or registration documents to all refugee women;

### **No. 74 (XLV) – 1994**

(gg) *Urges* UNHCR, in cooperation with Governments, other United Nations and international and non-governmental organizations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health, nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion;

### **No. 85 (XLIX) – 1998**

(m) *Reaffirms* the importance of the right to a nationality and calls on States to adopt all necessary measures to prevent or reduce the incidence of statelessness, including through national legislation and, as appropriate, accession to and implementation of the Statelessness Conventions; draws particular and urgent attention in this regard to the situation of children of refugees and asylum-

seekers born in asylum countries who could be stateless unless appropriate legislation and registration procedures are in place and are followed;

**No. 90 (LII) – 2001**

(r) *Takes note* with particular concern that problems of statelessness can impact disproportionately on women and children, due to the particular operation of nationality and birth registration laws; *underlines* the importance, notably for women, of identity documentation and proper registration of births and marriages; and *calls upon* States to adopt all necessary measures in this regard;

**No. 91 (LII) – 2001 – Registration of Refugees and Asylum-seekers**

*Recalling* its Conclusion No. 22 (XXXII) on the protection of asylum-seekers in situations of large-scale influx, Conclusion No. 35 (XXXV) on identity documents for refugees, Conclusion No. 39 (XXXVI) and Conclusion No. 64 (XLI) on refugee women and international protection, as well as Conclusion No. 73 (XLIV) on refugee protection and sexual violence;

*Noting* also that the 1951 Convention relating to the Status of Refugees in article 27, calls on States Parties to issue identity papers to refugees;

*Mindful* of the importance accorded to registration in the independent evaluation of UNHCR's emergency preparedness and response to the Kosovo crisis;

*Welcoming* the discussion which took place on registration in the context of the Global Consultations on International Protection;

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

(b) *Recommends* that the registration of refugees and asylum-seekers should be guided by the following basic considerations:

(i) Registration should be a continuing process to record essential information at the time of initial displacement, as well as any subsequent demographic and other changes in the refugee population (such as births, deaths, new arrivals, departures, cessation, naturalization, etc.);

(ii) The registration process should abide by the fundamental principles of confidentiality;

(iii) The registration process should to the extent possible be easily accessible, and take place in a safe and secure location;

(iv) Registration should be conducted in a non-intimidating, non-threatening and impartial manner, with due respect for the safety and dignity of refugees;

(v) Personnel conducting the registration, including, where necessary, refugees and asylum-seekers, should be adequately trained, should include a sufficient number of female staff and should have clear instructions on the procedures and requirements for registration, including the need for confidentiality of information collected; special measures should be taken to ensure the integrity of the registration process;

(vi) In principle, refugees should be registered on an individual basis with the following basic information being recorded: identity document and number, photograph, name, sex, date of birth (or age), marital status, special protection and assistance needs, level of

education, occupation (skills), household (family) size and composition, date of arrival, current location and place of origin;

(c) *Encourages* States and UNHCR, on the basis of existing expertise, to develop further and implement registration guidelines to ensure the quality and comparability of registered data, especially regarding special needs, occupational skills and level of education;

(d) *Also encourages* States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including biometrics features, and to share these with a view towards developing a more standardized worldwide registration system;

(e) *Acknowledges* the importance to the international community, particularly States, UNHCR and other relevant organizations, of sharing statistical data;

(f) *Recognizes* the confidential nature of personal data and the need to continue to protect confidentiality; also recognizes that the appropriate sharing of some personal data in line with data protection principles can assist States to combat fraud, to address irregular movements of refugees and asylum-seekers, and to identify those not entitled to international protection under the 1951 Convention and/or 1967 Protocol;

(g) *Requests* States, which have not yet done so, to take all necessary measures to register and document refugees and asylum-seekers on their territory as quickly as possible upon their arrival, bearing in mind the resources available, and where appropriate to seek the support and co-operation of UNHCR;

(h) *Emphasizes* the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations.

#### **No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

(viii) In the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given access to asylum-seekers in order to exercise its function of international protection, taking into account the well-being of persons entering reception or other refugee centres; and asylum-seekers are entitled to have access to UNHCR;

**No. 95 (LIV) – 2003**

(s) *Acknowledges* the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

**No. 99 (LV) – 2004**

(f) *Recalls* its Conclusion No. 91 (LII) on registration of refugees and asylum-seekers; *reiterates* the fundamental importance of early registration as a key protection tool and the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations; *welcomes* in this context the significant progress achieved in the area of registration as evidenced by the ongoing roll-out of registration and documentation activities under the auspices of Project Profile; and *encourages* States and UNHCR to continue their work in this regard with the assistance of other relevant actors as appropriate;

**No. 100 (LV) – 2004**

(d) Emphasizes the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(iv) the provision of support for national protection capacities of host States as needed, *inter alia*, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;

**No. 102 (LVI) – 2005**

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Identification of children at risk

(e) *Recognizes* that individual, careful and prompt registration of children can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

##### Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;

#### **No. 108 (LIX) – 2008**

##### Resettlement

(q) *Reaffirms* the strategic use of resettlement as an instrument of protection and its use as a durable solution, especially to resolve protracted refugee situations; *notes* the exponential increase in the number of refugees in need of resettlement identified by UNHCR as a result of its concerted efforts to conduct needs-based assessments; *urges* States without existing resettlement programmes to offer places for refugees recognized by UNHCR and in need of third country resettlement; *encourages* States with existing programmes to consider making available more resettlement places; and *acknowledges* the importance of registration as a tool of protection and as a means to enable quantification and assessment of the need for resettlement;

## **Travel Documents**

*The Executive Committee,*

#### **No. 12 (XXIX) – 1978**

(e) *Noted* that refugees, holders of a Convention Travel Document issued by one Contracting State, are enabled to travel as refugees to other Contracting States;



**No. 13 (XXIX) – 1978 [See Conclusions Specific to Documentation]**

**No. 15 (XXX) – 1979**

(n) In line with the purpose of paragraphs 6 and 11 of the Schedule to the 1951 Convention, States should continue to extend the validity of or to renew refugee travel documents until the refugee has taken up lawful residence in the territory of another State. A similar practice should as far as possible also be applied in respect of refugees holding a travel document other than that provided for in the 1951 Convention;

**No. 18 (XXXI) – 1980**

(i) *Called upon* the governments concerned to provide repatriating refugees with the necessary travel documents, visas, entry permits and transportation facilities and, if refugees have lost their nationality, to arrange for such nationality to be restored in accordance with national legislation;

**No. 96 (LIV) – 2003**

(g) *Recalls* further that Annex 9 to the 1944 Convention on International Civil Aviation requires that States, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time, and not more than 30 days after such a request is made, either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals;

**No. 101 (LV) – 2004**

(b) *Reaffirms* that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; *urges* States to issue necessary travel documents, if required, to facilitate such return; *calls* upon transit countries to assist in the facilitation of return; and also *notes* that refugees may be required to be subject to brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

**No. 106 (LVII) – 2006**

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

**DURABLE SOLUTIONS**  
[See also LOCAL INTEGRATION, RESETTLEMENT,  
VOLUNTARY REPATRIATION]

*The Executive Committee,*

**No. 15 (XXX) – 1979**

Situations involving a large-scale influx of asylum-seekers

(f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;

**No. 22 (XXXII) – 1981**

I. General

(2) Asylum seekers forming part of such large-scale influx situations are often confronted with difficulties in finding durable solutions by way of voluntary repatriation, local settlement or resettlement in a third country. Large-scale influxes frequently create serious problems for States, with the result that certain States, although committed to obtaining durable solutions, have only found it possible to admit asylum seekers without undertaking at the time of admission to provide permanent settlement of such persons within their borders.

IV. International solidarity, burden-sharing and duties of States

(4) The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

**No. 23 (XXXII) – 1981**

(2) Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

**No. 29 (XXXIV) – 1983**

(1) *Recognized* the essential need for the exercise of the High Commissioner's international protection function to be facilitated by the co-operation of Governments in granting asylum, in providing the durable solutions of resettlement and local integration and in creating conditions

favourable to and promoting voluntary repatriation, which, whenever appropriate and feasible, is the most desirable durable solution for refugee problems; such co-operation should also include fostering in public opinion a deeper understanding of the special needs of refugees and asylum-seekers;

**No. 33 (XXXV) – 1984**

(k) *Reiterated* the need for Governments to support the exercise of the High Commissioner's international protection function by granting asylum, by providing durable solutions and by fostering in the public opinion a deeper understanding of the special situation and needs of refugees and asylum-seekers.

**No. 36 (XXXVI) – 1985**

(b) *Reiterated* that the High Commissioner's international protection function can only be effectively carried out with the full support of Governments; of particular importance is the provision of durable solutions by Governments in co-operation with the High Commissioner;

**No. 41 (XXXVII) – 1986**

(c) *Recognized* the importance for Governments to provide their full support in making available durable solutions for refugee problems, whenever possible in regions of origin, in order to facilitate the effective exercise of the High Commissioner's international protection function; noted with appreciation the efforts undertaken by the High Commissioner since the Executive Committee's thirty-sixth session to arrange for consultations between concerned Governments in order to deal with problems relating to specific refugee groups and, in particular, the problem raised by the movement of refugees and asylum-seekers from one region to another;

(e) *Recognized* that the search for durable solutions includes the need to address the causes of movements of refugees and asylum-seekers from countries of origin and the causes of onward movements from countries of first asylum;

**No. 46 (XXXVIII) – 1987**

(k) *Stressed* the close link between durable solutions and root causes and called upon the international community to do its utmost to address the causes of movements of refugees and asylum-seekers from countries of origin as well as from countries of first asylum;

(n) *Recognized* that international protection is best achieved through an integrated and global approach to protection, assistance, and durable solutions, and invited the High Commissioner to develop further his efforts in this regard, including the collection of statistics on refugee populations, with the co-operation of States concerned;

**No. 47 (XXXVIII) – 1987**

(b) *Recognized* that refugee children constitute approximately one half of the world's refugee population and that the situation in which they live often gives rise to special protection and assistance problems as well as to problems in the area of durable solutions;

(j) *Called upon* the High Commissioner to ensure that individual assessments are conducted and adequate social histories prepared for unaccompanied children and children separated from their parents, who are in the care of other families, to facilitate provision for their immediate needs, the analysis of the long term as well as immediate viability of existing foster arrangements, and the planning and implementation of appropriate durable solutions;

(m) *Noted* with serious concern the detrimental effects that extended stays in camps have on the development of refugee children and called for international action to mitigate such effects and provide durable solutions as soon as possible;

**No. 50 (XXXIX) – 1988**

(e) *Noted* the close nexus between international refugee protection and durable solutions and called upon the High Commissioner to continue his efforts to provide international protection through voluntary repatriation, local integration in countries of first asylum or resettlement in third countries;

(j) *Recognized* that the enhancement of basic economic and social rights, including gainful employment, is essential to the achievement of self-sufficiency and family security for refugees and is vital to the process of re-establishing the dignity of the human person and of realizing durable solutions to refugee problems;

**No. 53 (XXXIX) – 1988**

*Recognizing* that stowaway asylum-seekers often find themselves in a particularly vulnerable situation in need of international protection and durable solutions;

*Recalling* its Conclusion No. 15 (XXX) on Refugees without an Asylum Country adopted at the thirtieth session of the Executive Committee;

**No. 54 (XXXIX) – 1988**

*Expressed* appreciation for the Note on Refugee Women (A/AC.96/XXXIX/CRP.1), particularly its emphasis on the interdependence of the problems and special needs of refugee women in regard to assistance, protection and durable solutions;

**No. 56 (XL) – 1989 – Durable Solutions and Refugee Protection**

*The Executive Committee,*

*Recalling* that the protection of refugees and seeking solutions to refugee problems are mandatory functions of the United Nations High Commissioner for Refugees;

*Reaffirming* that the process of achieving solutions must respect the fundamental protection principles and concerns;

*Convinced* that the contemporary problem of refugees and asylum seekers, because of its dimensions and complexity, requires coherent and comprehensive approaches to meet the current reality;

(a) *Took note*, with appreciation, of the background study for and the subsequent report (reproduced in Document (EC/SCP/55) of the informal Round Table of a group of experts on Solutions to the Problem of Refugees and the Protection of Refugees which was held in San Remo, Italy from 12 to 14 July 1989;

(b) *Welcomed* the importance given in the report, in particular, to:

(i) the inter-relationship between protection and solutions, as well as the desirability of prevention, including through the observance of human rights, as the best solution;

(ii) the strengthening of joint international efforts to deal with causes of flows of asylum-seekers and refugees in order to avert new flows and to facilitate the voluntary repatriation of refugees where this is the most appropriate solution to their problem;

(iii) the active promotion of solutions by countries of origin, asylum and resettlement, as well as by the international community at large, in accordance with their respective obligations and responsibilities;

(iv) the promotion of solutions by international initiatives aimed at encouraging and facilitating, directly or through intermediaries, contacts between the parties concerned;

(v) development co-operation in both its curative and preventative aspects;

(vi) the examination, where required, of existing law and doctrine in the light of the real situations being faced by refugees, taking into account the relevance of human rights principles in this context;

(vii) the promotion and strengthening of the traditional principles and safeguards, which remain fundamental to the protection of refugees in countries of asylum or refuge as well as, on return, in countries of origin;

(c) *Decided*, given the importance, scope and complexity of the issues involved and the need for their further in-depth study, as a first step, to call on the High Commissioner, in consultation with the Chairman of the Executive Committee, to convene an open-ended working group of members of the Executive Committee to examine protection and solutions in a coherent and comprehensive manner, bearing in mind the mandate of the High Commissioner, with a view to reporting to the Executive Committee at its forty-first session.

**No. 58 (XL) – 1989**

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

(ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures,

(d) Within this framework, governments, in close co-operation with UNHCR, should

(i) seek to promote the establishment of appropriate measures for the care and support of refugees and asylum-seekers in countries where they have found protection pending the identification of a durable solution and

(ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement opportunities;

(e) Refugees and asylum-seekers, who have found protection in a particular country, should normally not move from that country in an irregular manner in order to find durable solutions

elsewhere but should take advantage of durable solutions available in that country through action taken by governments and UNHCR as recommended in paragraphs (c) and (d) above;

**No. 59 (XL) – 1989**

(f) *Recognized* the link between education and durable solutions and encouraged UNHCR to strengthen its efforts in assisting host country governments to ensure the access of refugee children to education, *inter alia* through the involvement of new organizations and governmental and non-governmental donors, and where necessary through the incorporation of appropriate arrangements in its programmes of assistance;

**No. 61 (XLI) – 1990**

(e) *Emphasizes* the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programmes;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(iv) the fact that voluntary repatriation, local settlement or resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;

(v) development of measures which would underpin and broaden the acceptance of the three traditional durable solutions;

(vi) the need for countries of origin to assume a significant responsibility in the search for appropriate solutions, including through addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;

**No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(x) Provide for informed and active consent and participation of refugee women in individual decisions about durable solutions for them;

**No. 71 (XLIV) – 1993**

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and

notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

**No. 73 (XLIV) – 1993**

(c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

(f) *Recommends* that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;

**No. 74 (XLV) – 1994**

(b) *Remains* gravely preoccupied by the scale and complexity of current refugee problems, which have made more difficult the accomplishment of the High Commissioner's crucial functions of ensuring international protection for refugees and achieving timely and durable solutions to their plight;

**No. 77 (XLVI) – 1995**

(h) *Condemns* all forms of ethnic violence and intolerance, which are among the major causes of forced displacements as well as an impediment to durable solutions to refugee problems; and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

**No. 79 (XLVII) – 1996**

(b) *Reiterates* that the High Commissioner's international protection function can only be carried out effectively with the full support of Governments, in particular through the provision of durable solutions; and welcomes the continued readiness of States to receive and protect refugees as well as to make available resources to meet refugee needs;

(h) *Recognizes* that countries of asylum carry a heavy burden, including in particular developing countries with limited resources and those which, due to their location, host large numbers of refugees and asylum-seekers; reiterates in this regard its commitment to uphold the principles of international solidarity and burden-sharing and calls on Governments and UNHCR to continue to respond to the assistance needs of refugees until durable solutions are found;

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;

**No. 80 (XLVII) – 1996**

*Acknowledging* the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions,

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

(j) *Recognizes* that countries of asylum carry a heavy burden, including, in particular, developing countries, countries in transition, and countries with limited resources, which, due to their location, host large numbers of refugees and asylum-seekers; reiterates in this regard its commitment to uphold the principles of international solidarity and burden-sharing, and calls on Governments, UNHCR and the international community to continue to respond to the assistance needs of refugees until durable solutions are found;

(k) *Encourages* States and UNHCR to continue to promote, where relevant, regional initiatives for refugee protection and durable solutions, and to ensure that regional standards which are developed conform fully with universally recognized standards and respond to particular regional circumstances and protection needs;

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees; affirms that voluntary repatriation of refugees is the most preferred solution, when feasible; and calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

**No. 85 (XLIX) – 1998**

The right to seek and enjoy asylum

(n) Underlines the utmost significance to refugee protection of the institution of asylum, which serves the purpose of providing a structured framework for protection and assistance to persons in need of international protection, while ensuring that appropriate durable solutions can be achieved;

(o) *Reiterates* its commitment to uphold the principles of international solidarity and burden-sharing, reaffirms the need for resources to be mobilized to assist countries receiving refugees, particularly developing countries who host the large majority of the world's refugees and bear a heavy burden in this regard, and calls upon Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found;

Durable solutions

(ff) *Urges* States, particularly countries of origin of refugees, resolutely to cooperate at the bilateral, regional and universal levels to address the underlying causes of refugee flows, both in a preventive and curative manner, and to facilitate just and lasting solutions;

(gg) *Recalls* Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;

(hh) *Calls upon* countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;



(ii) *Emphasizes* the importance of reconciliation for facilitating and ensuring the durability of return, and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

**No. 87 (L) – 1999**

(r) *Reaffirms* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

**No. 89 (LI) – 2000**

*Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found; and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, affirming that voluntary repatriation is the preferred solution, when feasible;

**No. 90 (LII) – 2001**

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 93 (LIII) – 2002**

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

**No. 94 (LIII) – 2002**

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

**No. 95 (LIV) – 2003**

(i) *Reiterates* the crucial importance of achieving durable solutions for refugees and urges States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;

(j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;

(p) *Welcomes* the High Commissioner's "Convention Plus" initiative and encourages the High Commissioner and those States which have offered to facilitate "Convention Plus" agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and calls on UNHCR to report regularly to the Executive Committee on "Convention Plus" developments;

(q) *Welcomes* the report of the Working Group on Resettlement<sup>3</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and reaffirms the vital role of international resettlement in providing orderly, well targeted durable solutions;

(w) *Encourages* UNHCR's efforts to promote all State activities that reduce or resolve statelessness and to promote further accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as effective tools for the prevention of statelessness, which may lead to the reduction of refugee flows and the implementation of durable solutions, and reiterates its encouragement for States to consider accession to these instruments, where appropriate;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(iv) Interception measures should not result in asylum-seekers and refugees being denied access to international protection, or result in those in need of international protection being returned, directly or indirectly, to the frontiers of territories where their life or freedom would be threatened on account of a Convention ground, or where the person has other grounds for protection based on international law. Intercepted persons found to be in need of international protection should have access to durable solutions;

**No. 99 (LV) – 2004**

(h) *Welcomes* the significant achievements in voluntary repatriation over the course of the past year and the further potential for the sustainable voluntary return of considerable numbers of refugees, as a result of peacemaking, reconciliation and reconstruction efforts which have contributed to the resolution of certain long-running conflicts; acknowledges the importance of ensuring the ongoing voluntary nature of refugee returns and the full and equal participation of refugee women in the pursuit of voluntary repatriation and the consolidation of sustainable reintegration<sup>4</sup>; and urges States, UNHCR and other relevant actors to strengthen their efforts to provide durable solutions for refugees and other persons of concern;

(l) *Expresses* concern at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and calls on States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; notes that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; anticipates that its practical application will improve access to durable solutions for a greater number of refugees and therefore encourages interested States, UNHCR and other relevant partners to make full use of the Framework;

(x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also encourages the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

**No. 100 (LV) – 2004**

(c) *Encourages* all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions,

bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

(k) Acknowledges that the principles of international protection and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and highlights the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and recommends that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(iii) the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;

(ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(iv) the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;

#### **No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity

Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalise the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

(q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;

(r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

## **No. 105 (LVII) – 2006 – Women and Girls at Risk**

### Preventive strategies

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;

(p) Recommended longer-term responses and solutions include partnerships and actions to:

i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;

ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;

iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;

iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

**No. 107 (LVIII) – 2007 – Children at Risk**

*Recognizing* the varied means and capacity of host countries; and *reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance and the achievement of durable solutions, based on international solidarity, cooperation and burden and responsibility sharing, as well as on the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance, can increase the risks children face,

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;

xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

**No. 108 (LIX) – 2008**

Refugees and others of concern with disabilities

(k) Urges UNHCR and its partners to take all necessary measures to actively promote and achieve inclusion of persons with disabilities, at all stages: displacement, temporary settlement and in the search for durable solutions, in order to reduce the gap between principles and standards and the reality experienced by displaced persons with disabilities;

Protracted refugee situations

(l) *Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum, protection and assistance needs of refugees until durable solutions are found, and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, *affirms* that voluntary repatriation is the preferred solution, when feasible;

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

## **DUTIES OF REFUGEES AND ASYLUM-SEEKERS**

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

### II. Measures of Protection

#### B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

(g) the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin. They should not become involved in subversive activities against their country of origin or any other State;

### **No. 44 (XXXVII) – 1986**

(h) *Reaffirmed* that refugees and asylum-seekers have duties to the country in which they find themselves, which require in particular that they conform to its laws and regulations as well as to measures taken for the maintenance of public order;

### **No. 48 (XXXVIII) – 1987**

4. *Urges* States and other parties to be guided by the following considerations in promoting measures to enhance the protection of refugee camps and settlements;

(a) Refugees in camps and settlements have, together with the basic rights they enjoy, duties deriving from the refuge and protection granted or afforded to them by the country of refuge. In particular, they have duties to conform to the laws and regulations of the State of refuge including lawful measures taken for the maintenance of public order and to abstain from any activity likely to detract from the exclusively civilian and humanitarian character of the camps and settlements.

### **No. 61 (XLI) – 1990**

(d) *Notes* with concern that, in certain instances, specific activities by some refugees have been incompatible with national security interests and, in this context, reconfirmed its Conclusion No. 48 (XXXVIII) on Military and Armed Attacks on Refugee Camps and Settlements and, in particular, its paragraph 4 (a);

### **No. 72 (XLIV) – 1993**

*Stressing* the duty of refugees and asylum-seekers to conform to the laws and regulations of the country of asylum and abstain from any activity likely to detract from the exclusively civilian and humanitarian character of refugee camps and settlements,



**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(viii) the duty of refugees, and of asylum-seekers, to respect and abide by the laws of host States;

**No. 85 (XLIX) – 1998**

(t) *Emphasizes* the duty of asylum-seekers and refugees to comply with the laws and regulations of the country in which they find themselves;

(ii) *Emphasizes* the importance of reconciliation for facilitating and ensuring the durability of return, and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;

**No. 94 (LIII) – 2002**

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

**No. 104 (LVI) – 2005 – Local Integration**

*Noting* that local integration in the refugee context is a dynamic and multifaceted two-way process, which requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population,

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

i. *encourages* the implementation of anti-discrimination policies and awareness-raising activities aimed at combating institutionalized discrimination and at promoting the positive aspects of a diverse society and interaction between refugees, the local population, civil society and refugee organizations;

ii. *urges* States and all relevant actors to combat intolerance, racism and xenophobia, including obstacles faced by refugee women, and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees with the aim of allowing refugees to participate actively in the civic, economic, and social and cultural life of the host country;

iii. *recognizes* the link between education and durable solutions; and *calls on* States, UNHCR and relevant actors to strengthen their efforts to assist host countries in ensuring refugee children's access to education;

iv. *reaffirms* the importance of family unity and reunification as referred to in its Conclusions Nos. 9, 24, 84, and 88; and *recognizes* that family members can reinforce the social support system of refugees, and in so doing, promote the smoother and more rapid integration of refugee families;

## EDUCATION

*The Executive Committee,*

### **No. 39 (XXXVI) – 1985**

(g) *Called upon* States to continue to support UNHCR programmes established with a view to securing protection for refugee women, and UNHCR assistance programmes for refugee women, especially those aimed at helping refugee women become self-sufficient through educational and income-generating projects;

### **No. 47 (XXXVIII) – 1987**

(o) *Reaffirmed* the fundamental right of refugee children to education and called upon all States, individually and collectively, to intensify their efforts, in co-operation with the High Commissioner, to ensure that all refugee children benefit from primary education of a satisfactory quality, that respects their cultural identity and is oriented towards an understanding of the country of asylum;

(p) *Recognized* the need of refugee children to pursue further levels of education and recommended that the High Commissioner consider the provision of post-primary education within the general programme of assistance;

### **No. 58 (XL) – 1989**

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

### **No. 59 (XLI) – 1989**

(f) *Recognized* the link between education and durable solutions and encouraged UNHCR to strengthen its efforts in assisting host country governments to ensure the access of refugee children to education, *inter alia* through the involvement of new organizations and governmental and non-governmental donors, and where necessary through the incorporation of appropriate arrangements in its programmes of assistance;

### **No. 64 (XLI) – 1990**

a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;

**No. 68 (XLIII) – 1992**

(i) *Expresses* appreciation for the progress report on the implementation of the Guidelines on the Protection of Refugee Women (EC/SCP/74), notes with great concern the precarious situation of many refugee women, whose physical safety is often endangered and who often do not have equal access to basic necessities including adequate health and educational facilities, and calls upon all States, UNHCR and other concerned parties to ensure implementation of the Guidelines, particularly through measures aimed at eliminating all forms of sexual exploitation of and violence against refugee women, protecting women heads of household, and promoting their active participation and involvement in decisions affecting their lives and communities;

**No. 74 (XLV) – 1994**

(gg) *Urges* UNHCR, in cooperation with Governments, other United Nations and international and non-governmental organizations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health, nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion;

**No. 77 (XLVI) – 1995**

(n) *Recognizes* the role refugee community education can play in national reconciliation and encourages UNHCR, in cooperation with other organizations, to strengthen its efforts in assisting host country Governments to ensure the access of refugees to education, including the introduction into such programmes of elements of education for peace and human rights;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

**No. 84 (XLVIII) – 1997**

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(v) ensuring access to education, and the right of the child to freedom of thought, conscience and religion;

**No. 85 (XLIX) – 1998**

(g) *Recognizes* that the refugee experience, in all its stages, is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, and reaffirms the importance in this regard of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development;

**No. 91 (LII) – 2001**

(c) *Encourages* States and UNHCR, on the basis of existing expertise, to develop further and implement registration guidelines to ensure the quality and comparability of registered data, especially regarding special needs, occupational skills and level of education;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture<sup>[2]</sup>, as well as of other vulnerable groups;

[2] For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 98 (LIV) – 2003**

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

**No. 100 (LV) – 2004**

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(viii) the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

**No. 101 (LV) – 2004**

(o) *Notes* the importance of skills of returning refugees for self-reliance and, in this context, calls upon countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and encourages countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

**No. 102 (LVI) – 2005**

(o) *Stresses* the importance of States intensifying their efforts, in cooperation with UNHCR and other relevant organizations, to ensure that all refugee children benefit from education, consistent with the Millennium Development Goals, and that such education pays due regard, as appropriate, to their cultural identity while facilitating a greater understanding of the country of asylum;

**No. 104 (LVI) – 2005 – Local Integration**

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

iii. *encourages* States, wherever possible, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country;

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

iii. *recognizes* the link between education and durable solutions; and *calls on* States, UNHCR and relevant actors to strengthen their efforts to assist host countries in ensuring refugee children's access to education;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Preventive strategies

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and

Individual responses and solutions

(o) Developing medium-term responses for individuals includes partnerships and actions to:

iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Expressing* concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

**No. 107 (LVIII) – 2007 – Children at Risk**Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and
- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

**No. 108 (LIX) – 2008**

Protracted refugee situations

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;



## EMPLOYMENT / SELF-SUFFICIENCY / SELF-RELIANCE

*The Executive Committee,*

### **No. 50 (XXXIX) – 1988**

(j) *Recognized* that the enhancement of basic economic and social rights, including gainful employment, is essential to the achievement of self-sufficiency and family security for refugees and is vital to the process of re-establishing the dignity of the human person and of realizing durable solutions to refugee problems;

(k) *Encouraged* all States hosting refugees to consider ways in which refugee employment in their countries might be facilitated and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment;

### **No. 58 (XL) – 1989**

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

### **No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;

### **No. 88 (L) – 1999**

(b) *Underlines* the need for the unity of the refugee's family to be protected, *inter alia* by:

(v) programmes to promote the self-sufficiency of adult family members so as to enhance their capacity to support dependent family members.

### **No. 93 (LIII) – 2002**

*Recognizing* that many asylum-seekers are capable of attaining a certain degree of self-reliance if provided with an opportunity to do so,

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(vi) The range and scope of relevant social and economic benefits may vary, depending on the nature of the asylum procedure, and the type of reception arrangements in place;

(vii) Reception arrangements can be mutually beneficial where they are premised on the understanding that many asylum-seekers can attain a certain degree of self-reliance, if provided with the requisite opportunities;

**No. 95 (LIV) – 2003**

(h) *Stresses* the value of strengthening protection capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, where appropriate with adequate support from the international community for the host country and the refugees living there;

**No. 100 (LV) – 2004**

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;

**No. 101 (LV) – 2004**

(o) *Notes* the importance of skills of returning refugees for self-reliance and, in this context, *calls upon* countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and *encourages* countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

**No. 102 (LVI) – 2005**

(m) *Recognizes* that the participation of refugee women and men in the economic life of the host country is an important means of facilitating their active contribution to the attainment of their own self-reliance; and *encourages* State Parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement and other important rights underpinning self-reliance;

**No. 104 (LVI) – 2005 – Local Integration**

*Affirming* the value of strengthening capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there,

*Recognizing* that promoting the self-reliance of refugees from the outset will contribute towards enhancing their protection and dignity, help refugees manage their time spent in exile effectively and constructively, decrease dependency and enhance the sustainability of any future durable solution,

*Recognizing* the positive contributions, including economic benefits, which refugees who integrate locally or who are allowed to become self-reliant could make to host countries and communities,

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

i. *recognizes* that the protection, in all States, of basic civil, economic and social rights, including freedom of movement and the right to engage in income-generating activities is essential to the achievement of self-reliance of refugees;

ii. *encourages* all States hosting refugees to consider ways in which refugee employment and active participation in the economic life of the host country can be facilitated, *inter alia*, through education and skills development, and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment; and in this regard, *affirms* the relevance of the 1951 Convention in providing a framework for the creation of conditions conducive to the self-reliance of refugees;

iv. *notes* that facilitating refugees' access to agricultural land in rural areas where appropriate and when feasible is a positive contribution by all States, which can help foster opportunities for self-reliance and enhance the food security of refugees and the local population;

(p) *Encourages* UNHCR to develop and apply appropriate standards and indicators that account for age and gender considerations in local integration and self-reliance programs;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Identification of women and girls at risk

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

##### Individual responses and solutions

(o) Developing medium-term responses for individuals includes partnerships and actions to:

iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

**No. 107 (LVIII) – 2007 – Children at Risk**

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

**No. 108 (LIX) – 2008**

Protracted refugee situations

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

## ENVIRONMENT

*The Executive Committee,*

### **No. 68 (XLIII) – 1992**

(x) *Takes note* of the important contribution being made by the High Commissioner to concerned international bodies and requests her to continue to seek expanded cooperation with these bodies, such as UNDP, UNICEF, WFP, FAO, UNEP, the Centre for Human Rights, the Commission on Human Rights, IOM and ICRC, and thereby, *inter alia*, to promote broadened awareness of the link between refugees and human rights, as well as development and environmental issues;

### **No. 71 (XLIV) – 1993**

(dd) *Recognizes* that the underlying causes of population displacements are complex and interrelated and include poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and comprehensive manner;

### **No. 87 (L) – 1999**

(d) *Recognizes* that the presence of massive refugee populations in urban and rural areas in developing countries puts considerable strain on the economy and environment of these countries, and that increased attention should be paid to alleviate this negative impact; and calls on UNHCR to play its catalytic role to mobilize assistance from the international community to address environmental degradation in refugee-hosting areas as well as the economic and social impact of large-scale refugee populations;

### **No. 100 (LV) – 2004**

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

- i. the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;

## EXCLUSION

*The Executive Committee,*

### **No. 12 (XXIX) – 1978**

(d) *Noted* that persons considered as refugees under Article 1 A (1) of the Convention maintain their refugee status unless they fall under a cessation or exclusion clause;

(g) *Recognized*, therefore, that refugee status as determined in one Contracting State should only be called into question by another Contracting State in exceptional cases when it appears that the person manifestly does not fulfil the requirements of the Convention, e.g. if facts become known indicating that the statements initially made were fraudulent or showing that the person concerned falls within the terms of a cessation or exclusion provision of the 1951 Convention;

### **No. 17 (XXXI) – 1980**

(g) *Stressed* that protection in regard to extradition applies to persons who fulfil the criteria of the refugee definition and who are not excluded from refugee status by virtue of Article 1(F)(b) of the 1951 United Nations Convention relating to the Status of Refugees.

### **No. 82 (XLVIII) – 1997**

d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(v) the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention and in other relevant international instruments, to ensure that the integrity of the asylum institution is not abused by the extension of protection to those who are not entitled to it;

### **No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(vii) Combatants should not be considered as asylum-seekers until the authorities have established within a reasonable timeframe that they have genuinely and permanently renounced military activities, once this has been established, special procedures should be put in place for individual refugee status determination, to ensure that those seeking asylum fulfil the criteria for the recognition of refugee status, during the refugee status determination process, utmost attention should be paid to article 1F of the 1951 Convention, in order to avoid abuse of the asylum system by those who do not deserve international protection;

(ix) Where necessary, host States should develop, with assistance from UNHCR, operational guidelines in the context of group determination to exclude those individuals who are not deserving of international refugee protection;

### **No. 100 (LV) – 2004**

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give

consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

**No. 102 (LVI) – 2005**

(i) *Recalls* its Conclusion No. 82 (XLVIII) on Safeguarding Asylum; *reiterates* the fundamental importance of the High Commissioner's international protection function; and *emphasizes* the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention to ensure that the institution of asylum is not abused by the extension of protection to those who are not entitled to it;

**No. 103 (LVI) – 2005**

(d) *Reiterates* the need to ensure that the integrity of the asylum system is not abused by the extension of refugee protection to those who are not entitled to it and to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention and in other relevant international instruments;

## EXECUTIVE COMMITTEE CONCLUSIONS

### Conclusions

*The Executive Committee,*

#### **No. 81 (XLVIII) – 1997**

(g) *Stresses* the importance of the role played by this Committee in providing guidance and forging consensus on vital protection policies and practices, and, in this connection, emphasizes the need for due regard to be paid to the Conclusions of the Executive Committee;

### Sub-Committee of the Whole on International Protection

*The Executive Committee,*

#### **No. 1 (XXVI) – 1975**

(h) *Decided* on the establishment of a Sub-Committee of the Whole on International Protection which would meet, in principle during the sessions of the Executive Committee and would study in more detail some of the more technical aspects of the protection of refugees and would report to the Committee on its findings.

#### **No. 2 (XXVII) – 1976**

(i) *Reaffirmed* the need to intensify its role in the field of protection and welcomed the establishment of a Sub-Committee of the Whole on protection, designed to focus attention on protection issues with a view to determining existing shortcomings in this field and to proposing appropriate remedies;

(j) *Decided* that the Sub-Committee of the Whole would meet for one day before the twenty-eighth session of the Executive Committee.

#### **No. 3 (XXVIII) – 1977**

(c) *Reiterated* its satisfaction at the establishment of the Sub-Committee of the Whole on International Protection as a forum for examining current problems and recommending appropriate solutions in this field.

(d) *Decided* that the Sub-Committee of the Whole on International Protection should meet for one full day immediately pending the opening of the twenty-ninth session of the Executive Committee.  
No. 14 (XXX) – 1979

#### **No. 14 (XXX) – 1979**

(b) *Noted* with appreciation the work of the Sub-Committee of the Whole on International Protection which had proved to be of great practical value to the High Commissioner's Office in its efforts to extend international protection to refugees;



**No. 16 (XXXI) – 1980**

(b) *Noted* with appreciation the work of the Sub-Committee of the Whole on International Protection as representing an important contribution to improving the legal situation of refugees;

**No. 26 (XXXIII) – 1982**

(f) *Noted* the preliminary report submitted by the High Commissioner (EC/SCP/24) and requested UNHCR to continue its study of the matter and to submit a report to the Executive Committee at its thirty-fourth session, through its Sub-Committee on International Protection.

**No. 32 (XXXIV) – 1983**

(c) *Took note* of the report of the Sub-Committee of the Whole on International Protection (A/AC.96/629) which includes a draft statement of principles on the Prohibition of Military and Armed Attacks on Refugee Camps and Settlements;

**No. 55 (XL) – 1989**

(p) *Reaffirmed* the crucial role played since its inception by the Sub-Committee of the Whole on International Protection identifying existing shortcomings and problems in the field of refugee protection and by formulating conclusions which serve as international guidelines to be drawn upon by States, UNHCR and others when developing or orienting their policies on refugee issues;

(q) *Decided* that, in view of the importance of this task and in order to allow the Sub-Committee to consider all aspects of any issue in depth, the agenda for the Sub-Committee should preferably be limited to one or two subjects of practical benefit to refugees, that greater use could be made of informal working groups between annual meetings and that, whenever required, a particular issue should be considered at consecutive sessions of the Sub-Committee.

**No. 60 (XL) – 1989**

(d) *Noted* UNHCR's intention to include the subject of refugee women on the agenda of the Sub-Committee of the Whole on International Protection of the Forty-first Session of the Executive Committee, and on the Sub-Committee on Administrative and Financial Matters under the item "Major Trends";

**No. 66 (XLII) – 1991 – Report of the Working Group on Solutions and Protection**

*Accepting* with appreciation the Report of the Working Group on Solutions and Protection to the forty-second session of the Executive Committee of the High Commissioner's Programme (Document (EC/SCP/64);

(a) *Decides* to request the High Commissioner to convene such inter-sessional meetings of the Sub-Committee of the Whole on International Protection as may be necessary to continue the constructive discussions on pending issues of the Report of the Working Group, as well as on other relevant protection matters, and to seek consensus on action-oriented follow-up, as appropriate, of the Report, its recommendations, and other relevant matters;

(b) *Recognizes* the possibility, in this connection, for the Sub-Committee to utilise outside expertise as appropriate;

(c) *Decides* further to request the High Commissioner to report to the Executive Committee at its forty-third session on progress in the deliberation of the Sub-Committee.

**No. 68 (XLIII) – 1992**

(k) *Encourages* the High Commissioner to ensure that specific attention to refugee women's issues becomes an integral part of refugee protection and requests her also to ensure that the protection situation of both refugee women and of refugee children is included in the plan of work for forthcoming meetings of the Sub-Committee of the Whole on International Protection:

**No. 70 (XLIII) – 1992 – Decision on Inter-Sessional Meeting**

*Noting* with appreciation the Background Note on Inter-Sessional Meetings of the Sub-Committee of the Whole on International Protection (document EC/SCP/72),

(a) *Decides* to request the High Commissioner to convene at least one inter-sessional meeting of the Sub-Committee of the Whole on International Protection to continue constructive discussions on relevant protection issues;

(b) *Decides* further to request the High Commissioner to report to the Executive Committee at its forty-fourth session on progress in the deliberations of the Sub-Committee.

**No. 74 (XLV) – 1994**

(dd) *Reiterates* its support for the High Commissioner's activities for internally displaced persons in accordance with General Assembly resolution 48/16 (1993) and expresses its appreciation for the detailed and productive discussions that have been held within the Sub-Committee of the Whole on International Protection and in other fora concerning ways in which the international community can better address the protection and assistance needs of the displaced;

## EXPULSION

*The Executive Committee,*

### **No. 7 (XXVIII) – 1977 – Expulsion**

(a) *Recognized* that, according to the 1951 Convention, refugees lawfully in the territory of a Contracting State are generally protected against expulsion and that in accordance with Article 32 of the Convention expulsion of a refugee is only permitted in exceptional circumstances;

(b) *Recognized* that a measure of expulsion may have very serious consequences for a refugee and his immediate family members residing with him;

(c) *Recommended* that, in line with Article 32 of the 1951 Convention, expulsion measures against a refugee should only be taken in very exceptional cases and after due consideration of all the circumstances, including the possibility for the refugee to be admitted to a country other than his country of origin;

(d) *Recommended* that, in cases where the implementation of an expulsion measure is impracticable, States should consider giving refugee delinquents the same treatment as national delinquents and that States examine the possibility of elaborating an international instrument giving effect to this principle;

(e) *Recommended* that an expulsion order should only be combined with custody or detention if absolutely necessary for reasons of national security or public order and that such custody or detention should not be unduly prolonged.

### **No. 21 (XXXII) – 1981**

(f) *Noted* with particular concern that in certain areas refugees have been refused asylum, have been rejected at the frontier or subjected to measures of expulsion or forcible return in disregard of the fundamental principle of *non-refoulement* and that asylum seekers had been the victims of physical violence;

### **No. 35 (XXXV) – 1984**

(d) *Recommended* that asylum applicants whose applications cannot be decided without delay be provided with provisional documentation sufficient to ensure that they are protected against expulsion or *refoulement* until a decision has been taken by the competent authorities with regard to their application;

### **No. 44 (XXXVII) – 1986**

*Recalling* further its Conclusion No. 22 (XXXII) on the treatment of asylum-seekers in situations of large-scale influx, as well as Conclusion No. 7 (XXVIII), paragraph (e), on the question of custody or detention in relation to the expulsion of refugees lawfully in a country, and Conclusion No. 8 (XXVIII), paragraph (e), on the determination of refugee status.

### **No. 50 (XXXIX) – 1988**

(g) *Recalled* its Conclusions No. 6 (XXVIII) and 7 (XXVIII) respectively on *non-refoulement* and expulsion and expressed deep concern that the fundamental prohibitions against expulsion and

*refoulement* are often violated by a number of States and appealed to all States to abide by their international obligations in this regard and to cease such practices immediately;

**No. 55 (XL) – 1989**

d) *Expressed* deep concern that refugee protection is seriously jeopardized in some States by expulsion and *refoulement* of refugees or by measures which do not recognize the special situation of refugees and called on all States to refrain from taking such measures and in particular from returning or expelling refugees contrary to fundamental prohibitions against these practices;

**No. 61 (XLI) – 1990**

(c) *Expresses* strong concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, *refoulement* and other threats to the physical security, dignity and well-being of refugees;

**No. 68 (XLIII) – 1992**

(e) *Renews* its expressions of deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including numerous incidents of *refoulement*, expulsion, physical attacks on refugees and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the fundamental principles of refugee protection;

**No. 71 (XLIV) – 1993**

(f) *Notes* however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, *refoulement* and unjustified detention, as well as other threats to their physical security, dignity and well-being;

**No. 79 (XLVII) – 1996**

(i) *Distressed* at the widespread violations of the principle of *non-refoulement* and of the rights of refugees, in some cases resulting in loss of refugee lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been *refouled* and expelled in highly dangerous situations; recalls that the principle of *non-refoulement* is not subject to derogation;

(j) *Reaffirms* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are grounds for believing that they would be in danger of being

**No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 85 (XLIX) – 1998**

(b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

**No. 96 (LIV) – 2003**

*Recalling* the obligation of States to receive back their own nationals, as well as the right of States, under international law, to expel aliens while respecting obligations under international refugee and human rights law;

**No. 102 (LVI) – 2005**

(j) *Recalls* its Conclusions No. 6 (XXVII) and 7 (XXVIII), as well as numerous subsequent references made in its other Conclusions to the principle of *non-refoulement*; *expresses* deep concern that refugee protection is seriously jeopardized by expulsion of refugees leading to *refoulement*; and *calls on* States to refrain from taking such measures and in particular from returning or expelling refugees contrary to the principle of *non-refoulement*;

## EXTRADITION

*The Executive Committee,*

### **No. 17 (XXXI) – 1980 – Problems of Extradition Affecting Refugees**

- (a) *Considered* that cases in which the extradition of a refugee or of a person who may qualify as a refugee is requested may give rise to special problems;
- (b) *Reaffirmed* the fundamental character of the generally recognized principle of *non-refoulement*;
- (c) *Recognized* that refugees should be protected in regard to extradition to a country where they have well-founded reasons to fear persecution on the grounds enumerated in Article 1(A)(2) of the 1951 United Nations Convention relating to the Status of Refugees;
- (d) *Called upon* States to ensure that the principle of *non-refoulement* is duly taken into account in treaties relating to extradition and as appropriate in national legislation on the subject;
- (e) *Expressed* the hope that due regard be had to the principle of *non-refoulement* in the application of existing treaties relating to extradition;
- (f) *Stressed* that nothing in the present conclusions should be considered as affecting the necessity for States to ensure, on the basis of national legislation and international instruments, punishment for serious offenses, such as the unlawful seizure of aircraft, the taking of hostages and murder;
- (g) *Stressed* that protection in regard to extradition applies to persons who fulfil the criteria of the refugee definition and who are not excluded from refugee status by virtue of Article 1(F)(b) of the 1951 United Nations Convention relating to the Status of Refugees.

### **No. 55 (XL) – 1989**

- k) *Expressed* the strong hope that, consistent with international practice, States will ensure that their extradition legislation or arrangements maintain the protections or exemptions necessary to safeguard the basic rights of refugees;

## FAMILY UNITY AND REUNIFICATION

*The Executive Committee,*

### **No. 1 (XXVI) – 1975**

(f) *Emphasized* that, in keeping with the fundamental principles of family unity, members of refugee families should be given every opportunity to be reunited by being allowed to leave their country of origin;

### **No. 9 (XXVIII) – 1977 – Family Reunion**

(a) *Reiterated* the fundamental importance of the principle of family reunion;

(b) *Reaffirmed* the co-ordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and nongovernmental organizations;

(c) *Noted* with satisfaction that some measure of progress has been achieved in regard to the reunion of separated refugee families through the efforts currently undertaken by UNHCR.

### **No. 15 (XXX) – 1979**

(e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted;

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### II. Measures of Protection

##### B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(h) family unity should be respected;

### **No. 24 (XXXII) – 1981 – Family Reunification**

*Adopted* the following conclusions on the reunification of separated refugee families.

1. In application of the Principle of the unity of the family and for obvious humanitarian reasons, every effort should be made to ensure the reunification of separated refugee families.

2. For this purpose it is desirable that countries of asylum and countries of origin support the efforts of the High Commissioner to ensure that the reunification of separated refugee families takes place with the least Possible delay.
3. The generally positive trends in regard to the reunification of separated refugee families are greatly to be welcomed but a number of outstanding problems still need to be resolved.
4. Given the recognized right of everyone to leave any country including his own, countries of origin should facilitate family reunification by granting exit permission to family members of refugees to enable them to join the refugee abroad.
5. It is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.
6. When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not per se be considered as an impediment.
7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption – involving a severance of links with the natural family – is decided upon.
8. In order to promote the rapid integration of refugee families in the country of settlement, joining close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.
9. In appropriate cases family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.

**No. 47 (XXXVIII) – 1987**

(d) *Stressed* that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

(h) *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

**No. 74 (XLV) – 1994**

(gg) *Urges* UNHCR, in cooperation with Governments, other United Nations and international and non-governmental organizations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health, nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion;



**No. 84 (XLVIII) – 1997**

*Gravely concerned* that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(i) preventing separation of children and adolescent refugees from their families and promoting care, protection, tracing and family reunification for unaccompanied minors;

**No. 85 (XLIX) – 1998**

(k) *Remains* deeply concerned also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

(u) *Recalls* that Articles 16(3) of the Universal Declaration of Human Rights and 23(1) of the International Covenant on Civil and Political Rights proclaim that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

(v) *Recommends* that Governments take appropriate measures to ensure that the unity of the family is maintained, particularly in cases where the head of the family has been admitted as a refugee to a particular country;

(w) *Exhorts* States, in accordance with the relevant principles and standards, to implement measures to facilitate family reunification of refugees on their territory, especially through the consideration of all related requests in a positive and humanitarian spirit, and without undue delay;

(x) *Encourages* States, which have not already done so, to consider developing the legal framework to give effect at the national level to a right to family unity for all refugees, taking into account the human rights of the refugees and their families;

**No. 88 (L) – 1999 – Conclusion on the Protection of the Refugee’s Family**

(a) *Reaffirms* Conclusion No. 9 (XXVIII), Conclusion No. 24 (XXXII), Conclusion No. 84 (XLVIII), and Conclusion No. 85 (XLIX) paragraphs (u) to (x) on family reunion and family unity and on refugee children and adolescents; and re-emphasizes that the family is the natural and fundamental group unit of society and is entitled to protection by the society and the State;

(b) *Underlines* the need for the unity of the refugee’s family to be protected, *inter alia* by:

(i) measures which ensure respect for the principle of family unity, including, those to reunify family members separated as a result of refugee flight;

(ii) the consideration of liberal criteria in identifying those family members who can be admitted, with a view to promoting a comprehensive reunification of the family;

(iii) provisions and/or practice allowing that when the principal applicant is recognized as a refugee, other members of the family unit should normally also be recognized as refugees, and by providing each family member with the possibility of separately submitting any refugee claims that he or she may have;

- (iv) the prioritization of family unity issues at an early stage in all refugee operations; and
- (v) programmes to promote the self-sufficiency of adult family members so as to enhance their capacity to support dependent family members;

(c) *Calls upon* States, UNHCR and other relevant actors to give particular attention to the needs of unaccompanied refugee children pending their reunification with their families; and affirms, in this regard, that adoption of refugee children should only be considered when all feasible steps for family tracing and reunification have been exhausted, and then only in the best interests of the child and in conformity with international standards.

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

- (iv) Reception arrangements should allow for the unity of the family as present within the territory, particularly in the context of reception centres;

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

**No. 101 (LV) – 2004**

(n) *Stresses* the importance of family unity during and following voluntary repatriation; and *calls upon* States, where necessary, to assist spouses and family members of different nationalities to remain together as families;

**No. 103 (LVI) – 2005**

(n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant international instruments and giving due regard to the best interest of the child and family unity principles;

**No. 104 (LVI) – 2005 – Local Integration**

(i) *Notes* that characteristics which may assist in determining circumstances in which local integration can be an appropriate durable solution could include, subject to States' consideration:

iii. refugees who have established close family, social, cultural and economic links with their country of asylum, including those who already have, or have the capacity to attain, a considerable degree of socio-economic integration.

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

iv. *reaffirms* the importance of family unity and reunification as referred to in its Conclusions Nos. 9, 24, 84, and 88; and *recognizes* that family members can reinforce the social support system of refugees, and in so doing, promote the smoother and more rapid integration of refugee families;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

vi. Due consideration should be given to the importance of the family and family support structures for the protection of children;

vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack

of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

## FORCED RECRUITMENT

*The Executive Committee,*

**No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

**No. 55 (XL) – 1989**

h) *Expressed* strong concern about serious violations of the rights and security of refugees and asylum-seekers in different parts of the world including through forced recruitment of refugees into armed forces;

**No. 59 (XL) – 1989**

h) *Called upon* UNHCR to promote the best possible legal protection of unaccompanied minors, particularly with regard to forced recruitment into armed forces and to the risks associated with irregular adoption;

**No. 72 (XLIV) – 1993**

*Expressing* its deep concern over reports on the alarming frequency of incidents in which refugees and asylum-seekers, including women and children, are subjected to violence and mistreatment including killing, torture, military or armed attacks, rape, beatings, intimidation, forced recruitment and arbitrary or inhumane conditions of detention,

**No. 74 (XLV) – 1994**

(hh) *Calls upon* States hosting refugees, in close collaboration with UNHCR and other relevant organizations, and consistent with the UNHCR Guidelines on Refugee Children, to safeguard the security of refugee children and to ensure that they are not recruited into the military or other armed groups;

**No. 84 (XLVIII) – 1997**

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(iv) the right of children affected by armed conflict to special protection and treatment, taking into account the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation, and death in connection with armed conflict;

**No. 85 (XLIX) – 1998**

(k) *Remains* deeply concerned also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and

exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

**No. 87 (L) – 1999**

(o) *Calls* on States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 94 (LIII) – 2002 – Conclusion on the Civilian and Humanitarian Character of Asylum**

*Recognizing* the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized armed groups,

(e) *Calls upon* States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

**No. 107 (LVIII) – 2007 – Children at Risk**

*Taking note of* the more recent international developments in relation to the protection of children, in particular the two Optional Protocols to the 1989 Convention on the Rights of the Child (CRC), Security Council resolutions 1612, 1674, and 1325, the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and the United Nations Secretary-General's Study on Violence against Children,

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

## GLOBAL CONSULTATIONS / AGENDA FOR PROTECTION

*The Executive Committee,*

### **No. 89 (LI) – 2000**

*Noting* UNHCR's initiative to launch Global Consultations on International Protection and encouraging UNHCR, in parallel with these Consultations, to continue to seek practical responses, in cooperation with States and other relevant actors, to address current and future protection challenges;

(a) *Welcomes* the proposal of UNHCR to commence a process of Global Consultations with States, with the close involvement, *inter alia*, of refugee protection experts, non-governmental organizations (NGOs) and refugees, to revitalize the international protection regime and to discuss measures to ensure international protection for all who need it, while taking into account the legitimate concerns of States, host communities and the international community generally;

(b) *Affirms* in this context that such a process, on the eve of the 50th Anniversary of the 1951 Convention relating to the Status of Refugees, offers important prospects for revitalizing refugee protection and promoting the effective implementation of the Convention and the Protocol, while at the same time identifying approaches to meet new situations not covered by these instruments;

(c) *Calls upon* UNHCR to report to the Executive Committee at its fifty-second session on progress made on this process.

### **No. 90 (LII) – 2001**

(g) *Welcomes* the initiative of UNHCR to launch the Global Consultations on International Protection which provide an important forum for open discussion on complex legal and operational protection issues;

(h) *Affirms* the intention to pursue, with broadly based participation, follow-up activities stemming from the Global Consultations, which would be set out in a joint Executive Committee and UNHCR Agenda for Protection and could include, as appropriate, the development of Executive Committee conclusions, the holding of further expert consultations, or other processes;

### **No. 91 (LII) – 2001**

*Welcoming* the discussion which took place on registration in the context of the Global Consultations on International Protection;

### **No. 92 (LIII) – 2002**

*Welcoming* the contribution of the Global Consultations on International Protection to strengthening the international framework for refugee protection and to equip States better to address the challenges in a spirit of dialogue and cooperation,

*Welcoming* particularly in this context the Declaration of States Parties adopted during the Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, convened in Geneva on 12 and 13 December 2001, to commemorate the 50th anniversary of the Convention,



*Commending* UNHCR for the considerable efforts expended to make the Global Consultations process a success,

*Recalling* its Conclusion No. 90 (LII) on international protection, which affirmed the intention to pursue, with broadly based participation, follow-up activities stemming from the Global Consultations set out in a joint Executive Committee and UNHCR Agenda for Protection,

(a) *Endorses* the Agenda for Protection contained in document A/AC.96/965/Add.1, flowing from the Global Consultations process, pursuant to the decision of the Standing Committee at its twenty-fourth meeting;

(b) *Recognizes* that the Agenda for Protection is a statement of goals and objectives and an important inventory of recommended actions to reinforce the international protection of refugees, and is intended to guide action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations;

(c) *Requests* UNHCR to transmit the Agenda for Protection to the General Assembly, as an annex to the report of the fifty-third session of the Executive Committee;

(d) *Requests* UNHCR also to disseminate the Agenda for Protection widely and to engage partners actively in its follow-up, especially by undertaking further discussion with States, including in the Standing Committee framework, to establish priorities for follow-up activities;

(e) *Encourages* all concerned actors to implement those activities calling for their action, and to facilitate the work of and cooperate with UNHCR in carrying out its own follow-up activities;

(f) *Invites* UNHCR and States to seize opportunities to further develop and review elements of the Agenda for Protection, as implementation progresses;

(g) *Invites* States to cooperate with UNHCR in monitoring the progress in the implementation of the Agenda for Protection by all concerned partners;

(h) *Calls* on UNHCR, with the cooperation of States and other actors, to keep the Executive Committee informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection.

**No. 93 (LIII) – 2002**

*Welcoming* the discussion which took place on reception of asylum-seekers in individual asylum systems in the context of the Global Consultations on International Protection,<sup>[1]</sup>

<sup>[1]</sup> EC/GC/02/2 and EC/GC/01/17.

**No. 94 (LIII) – 2002**

*Welcoming* the discussion which took place on the civilian character of asylum in the context of the Global Consultations on International Protection,<sup>[3]</sup>

<sup>[3]</sup> EC/GC/01/8/Rev.1.

**No. 95 (LIV) – 2003**

(e) *Appreciates* that the design of realistic protection policy directions for the future rests on the indispensable base of the 1951 Convention and its 1967 Protocol as well as additional initiatives,

such as the Agenda for Protection and arrangements which may develop through “Convention Plus”;

(n) *Recalls* its Conclusion No. 92 (LIII) endorsing the Agenda for Protection as a statement of goals and objectives as well as an important inventory of recommended actions to reinforce the international refugee protection regime, guiding action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations; and welcomes in this context the updates<sup>[2]</sup> provided by UNHCR and by some States on implementation of the Agenda for Protection and UNHCR’s follow-up actions to date;

<sup>[2]</sup> EC/53/SC/CRP.10

(o) *Notes* that the Agenda for Protection is a shared undertaking and in this context *encourages* States, other organizations as appropriate and NGOs to provide timely information on their own follow-up activities, to enable UNHCR to comply with the Executive Committee’s request to be kept informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection;

(p) *Welcomes* the High Commissioner’s “Convention Plus” initiative and *encourages* the High Commissioner and those States which have offered to facilitate “Convention Plus” agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on “Convention Plus” developments;

(q) *Welcomes* the report of the Working Group on Resettlement<sup>[3]</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;

<sup>[3]</sup> EC/53/SC/CRP.10/Add.1.

(r) *Looks forward to* the review by UNHCR of protracted refugee situations which will enable States and UNHCR to identify and further analyze situations which might benefit from a comprehensive plan of action;<sup>[4]</sup>

<sup>[4]</sup> Agenda for Protection, Goal 5, Objective 1, Action 1.

(s) *Acknowledges* the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

(u) *Notes* UNHCR’s work on the survey on statelessness undertaken pursuant to the Agenda for Protection and *looks forward to* reviewing the recommendations resulting from this survey which will be made available to States in the hope that follow-up measures aimed at reducing statelessness and protecting stateless persons will be taken;

## **No. 96 (LIV) – 2003**

*Expressing* appreciation for the timely and useful discussion which took place on the return of persons found not to be in need of international protection, in the context of the Global Consultations on International Protection<sup>[1]</sup>, and which led to Goal 2, objective 7 of the Agenda for Protection;<sup>[2]</sup>

<sup>[1]</sup> EC/GC/01/15/Rev.1.

<sup>[2]</sup> A/AC. 96/965 Add. 1.

**No. 97 (LIV) – 2003**

*Noting* the discussions which took place on interception measures at the Standing Committee<sup>[1]</sup> as well as in the context of the Global Consultations on International Protection;<sup>[2]</sup>

<sup>[1]</sup> EC/50/SC/CRP17, 9 June 2000.

<sup>[2]</sup> EC/GC/OI/13, 31 May 2001, Regional Workshops in Ottawa, Canada and in Macau.

**No. 98 (LIV) – 2003**

*Reaffirming* its Conclusions No. 39 (XXXVI), No. 47 (XXXVIII), No. 54 (XXXIX), No. 60 (XL), No. 64 (XLI), No. 68 (XLIII), No. 73 (XLIV), No. 74 (XLVI), No. 79 (XLVII), No. 84 (XLVIII), No. 85 (XLIX), No. 87 (L), No. 91 (LII) and No.94 (LIII) and in particular the need to combat sexual and gender-based violence in refugee situations; and recalling also in this context the relevant goals and objectives of the Agenda for Protection;

**No. 99 (LV) – 2004**

(a) *Welcomes* the information on implementation of the Agenda for Protection by UNHCR, States and non-governmental organizations contained in this year's Note on International Protection<sup>[1]</sup>; *notes* that the Agenda for Protection was welcomed by the General Assembly of the United Nations<sup>[2]</sup>; *emphasizes* its continuing importance; and *encourages* all concerned actors to provide timely information on their own follow-up activities to enable UNHCR to comply with the Executive Committee's request to be kept informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection;

<sup>[1]</sup> A/AC.96/989.

<sup>[2]</sup> A/RES/57/187.

(b) *Encourages* States, UNHCR, other inter-governmental as well as non-governmental organizations to identify opportunities particularly at the national and regional level to cooperate and to consider their respective contributions to the implementation of the Agenda's Programme of Action;

(n) *Reiterates* that the grant of asylum to refugees is a peaceful and humanitarian act, and that all actors are obliged to abstain from any activity which serves to undermine this; *recalls* its Conclusion No. 94 (LIII) on the civilian and humanitarian character of asylum and the useful discussions which took place on this subject in the context of the Global Consultations on International Protection; *welcomes* the convening by UNHCR of an expert round table in June 2004 which explored these issues further; and *encourages* UNHCR, in consultation with States and other relevant actors, to continue this process with a view to elaborating measures for the disarmament of armed elements and the identification, separation and internment of combatants;

**No. 100 (LV) – 2004**

*Expressing* its appreciation for the useful discussions on mass influx situations and burden and responsibility sharing which took place in the context of the third track of the Global Consultations on International Protection,

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

**No. 101 (LV) – 2004**

*Expressing* appreciation for the useful discussions on voluntary repatriation, which took place in the context of the third track of the Global Consultations on International Protection;<sup>[1]</sup> and *agreeing* with the importance of working towards improved conditions for voluntary repatriation and of strengthening cooperation to make such repatriation sustainable in line with Goal 5, Objectives 2 and 3 of the Agenda for Protection which resulted from those discussions,

<sup>[1]</sup> EC/GC/02/5 of 25 April 2002.

**No. 102 (LVI) – 2005**

(a) *Welcomes* the information provided on continued implementation of the Agenda for Protection contained in this year's Note on International Protection;<sup>[1]</sup> and *encourages* States, UNHCR, other intergovernmental as well as non-governmental organizations to cooperate and to redouble their efforts to implement the Agenda, as appropriate, to provide timely information on their respective follow-up activities, and to explore with UNHCR the merits of a consolidated report to the Executive Committee on its implementation, taking into account the time and resources that might be required, to enable the Committee and UNHCR jointly to assess progress;

<sup>[1]</sup> [A/AC.96/1008](#)

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

**No. 104 (LVI) – 2005 – Local Integration**

*Recalling* the Agenda for Protection Goal 5, Objective 4 requesting the Executive Committee to set out framework considerations for implementing the solution of local integration in the form of a Conclusion; and *noting* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration, taking into account the specific circumstances of each refugee situation, may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it,

*Expressing* appreciation for the efforts made in recent years to redouble the search for durable solutions in the context of the Global Consultations on International Protection and of the Agenda for Protection, which fostered, *inter alia*, the Convention Plus initiative and the Framework for Durable Solutions,

**No. 108 (LIX) – 2008**

Agenda for Protection

(x) *Welcomes* UNHCR's initiative to commence a review of achievements made under the Agenda for Protection, to identify outstanding challenges and assist States, upon request, to devise national plans of action in a consultative and inclusive manner with relevant stakeholders and actors so as to enhance the international protection of refugees and others of concern on the basis on the Agenda; and *encourages* States to take part in this process in a consultative and inclusive manner with relevant stakeholders and actors.

## HEALTH / HIV/AIDS

*The Executive Committee,*

### **No. 22 (XXXII) – 1981 – Protection of Asylum-Seekers in Situations of Large-Scale Influx**

#### B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(a) they should not be penalized or exposed to any unfavourable treatment solely on the ground that their presence in the country is considered unlawful; they should not be subjected to restrictions on their movements other than those which are necessary in the interest of public health and public order;

(c) they should receive all necessary assistance and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform with the principles of international solidarity and burden-sharing;

### **No. 47 (XXXVIII) – 1987 – Refugee Children**

(q) *Called upon* all States, in co-operation with UNHCR and concerned agencies, to develop and/or support programmes to address nutritional and health risks faced by refugee children, including programmes to ensure an adequate, well-balanced and safe diet, general immunization and primary health care;

### **No. 64 (XLI) – 1990 – Refugee Women and International Protection**

a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;

### **No. 68 (XLIII) – 1992**

(i) *Expresses appreciation* for the progress report on the implementation of the Guidelines on the Protection of Refugee Women (EC/SCP/74), notes with great concern the precarious situation of many refugee women, whose physical safety is often endangered and who often do not have equal access to basic necessities including adequate health and educational facilities, and calls upon all States, UNHCR and other concerned parties to ensure implementation of the Guidelines, particularly through measures aimed at eliminating all forms of sexual exploitation of and violence against refugee women, protecting women heads of household, and promoting their active participation and involvement in decisions affecting their lives and communities;

**No. 74 (XLV) – 1994**

(gg) *Urges* UNHCR, in cooperation with Governments, other United Nations and international and non-governmental organizations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health, nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion;

**No. 84 (XLVIII) – 1997 – Refugee Children and Adolescents**

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(iii) the right of children and adolescents to education, adequate food, and the highest attainable standard of health;

**No. 98 (LIV) – 2003 – Protection from Sexual Abuse and Exploitation**

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

**No. 102 (LVI) – 2005**

(w) *Acknowledges* that access to HIV and AIDS prevention, care and treatment, as far as possible in a manner comparable with the services available to the local hosting community, is increasingly recognized by States as an essential component in the protection of refugees, returnees and other persons of concern; *encourages* UNHCR to pursue activities in this regard, in close collaboration with relevant partners, in particular in the implementation of the objectives agreed in the UNAIDS Unified Budget Work Plan, ensuring specific emphasis on the rights of refugee women and children affected by the pandemic; and *notes* the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Identification of women and girls at risk

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response”, 2003; Inter-Agency Standing Committee (IASC) “Guidelines for Gender-based Violence Interventions in Humanitarian Settings”, 2005.

#### Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

#### Individual responses and solutions

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

### **No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Expressing concern* at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

#### Reduction of Statelessness

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;



**No. 107 (LVIII) – 2007 – Children at Risk**Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to

child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

**No. 108 (LIX) – 2008**

Protracted refugee situations

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

## HUMANITARIAN LAW

*The Executive Committee,*

**No. 11 (XXIX) – 1978**

(j) *Recognized* the value of efforts to secure a wider dissemination of the principle of refugee law through closer relations with educational and scientific institutions and more generally with circles concerned with humanitarian and refugee questions, and recommended that the High Commissioner pursue such efforts;

**No. 25 (XXXIII) – 1982**

(j) *Welcomed* the High Commissioner's initiative to organize courses of lectures on refugee law in co-operation with the International Institute of Humanitarian Law (San Remo);

**No. 27 (XXXIII) – 1982**

(a) *Stressed* the fundamental importance of respecting the relevant principles of international humanitarian law as reflected in the note prepared by the Office of the High Commissioner (EC/SCP/25);

**No. 29 (XXXIV) – 1983**

(k) *Recognized* the value of the High Commissioner's continuing activities in encouraging the teaching and further development of international refugee law and welcomed his intention to enlarge his Office's legal documentation centre in co-operation with the International Institute of Humanitarian Law in San Remo;

**No. 33 (XXXV) – 1984**

(j) *Expressed* satisfaction at the continuing efforts of the High Commissioner to promote a greater knowledge and understanding of international refugee law, and recognized the positive contribution made by the International Institute for Humanitarian Law in San Remo in this important area of the High Commissioner's activities;

**No. 36 (XXXVI) – 1985**

(m) *Reiterated* the importance of the Office's continued efforts to promote the development and strengthening of international refugee law, in particular through its co-operation with the International Institute of Humanitarian Law in San Remo.

**No. 48 (XXXVIII) – 1987**

*Predicating* this Conclusion on the assumption, *inter alia*, that refugee camps and settlements have an exclusively civilian and humanitarian character and on the principle that the grant of asylum or refuge is a peaceful and humanitarian act that is not to be regarded as unfriendly by another State; hoping to assist in guaranteeing the safety of refugees and asylum-seekers, as well as to reinforce their rights, obligations and responsibilities and those of States and international organizations pursuant to relevant rules and principles of international law; and underlining that the rights and responsibilities of States pursuant to the Charter of the United Nations and relevant rules and principles of international law, including international humanitarian law, remained unaltered;

**No. 68 (XLIII) – 1992**

(a) *Reaffirms* the primary nature of the High Commissioner's protection responsibilities which are performed as a non-political, humanitarian and social function within the framework of international refugee law and applicable regional instruments, with due regard for human rights and humanitarian law, and which necessitate cooperation with UNHCR, as well as among and between States in accordance with the United Nations Charter, on a basis of international responsibilities, solidarity and burden-sharing;

**No. 71 (XLIV) – 1993**

(u) *Reiterates* that UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined;

(aa) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the Office's promotion and training activities with the active support of States and through increased cooperation with bodies and organizations concerned with human rights and international humanitarian law, including the International Institute of Humanitarian Law (San Remo), academic institutions and others involved in the programmes of the Decade of International Law;

**No. 73 (XLIV) – 1993**

*Noting with grave concern* the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

*Stressing* the importance of international instruments relating to refugees, human rights and humanitarian law for the protection of asylum-seekers, refugees and returnees against sexual violence,

(a) *Strongly condemns* persecution through sexual violence, which not only constitutes a gross violation of human rights, as well as, when committed in the context of armed conflict, a grave breach of humanitarian law, but is also a particularly serious offense to human dignity;

**No. 74 (XLV) – 1994**

(kk) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the Office's promotion and training activities, with the active support of States and through increased cooperation with human rights organizations, academic institutions, including the International Institute of Humanitarian Law (San Remo), and other relevant organizations within and outside the United Nations system;

**No. 75 (XLV) – 1994**

(m) *Recognizes* that international human rights law, international humanitarian law, and, in many cases, national laws include norms providing for the security and protection of the internally displaced as well as those at risk of displacement, and expressed serious concern at the failure of parties involved to respect these norms;

(p) *Further acknowledges* the essential role of the International Committee of the Red Cross in disseminating international humanitarian law and in providing protection and humanitarian assistance to those displaced by armed conflict;

(q) *Calls* for the strengthening of efforts in the training and dissemination of international human rights law and international humanitarian law and for the joint promotion, by organizations and agencies concerned, of the implementation of these international standards;

**No. 81 (XLVIII) – 1997**

(e) *Calls on* States to take all necessary measures to ensure that refugees are effectively protected, including through national legislation, and in compliance with their obligations under international human rights and humanitarian law instruments bearing directly on refugee protection, as well as through full cooperation with UNHCR in the exercise of its international protection function and its role in supervising the application of international conventions for the protection of refugees;

**No. 83 (XLVIII) – 1997**

*Emphasizing* that all States must respect and promote the principles and norms of international humanitarian law, including those relating to the safety and security of humanitarian personnel, and taking note of the 1994 Convention on the Safety of United Nations and Associated Personnel, as well as Security Council Presidential Statement S/PRST/1997/34,

**No. 84 (XLVIII) – 1997**

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

**No. 85 (XLIX) – 1998**

(k) *Remains deeply concerned* also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

**No. 87 (L) – 1999**

(a) *Strongly deplores* the serious breaches of internationally recognized rights of refugees, asylum-seekers and other persons of concern over the past year, and remains particularly preoccupied that systematic violations of human rights, blatant disregard of international humanitarian law, and policies of wholesale expulsions of populations and “ethnic cleansing” have caused significant displacement both internally and across borders in many regions of the world;

(h) *Notes* that the 50th anniversary of the Geneva Conventions on the law of armed conflict is being commemorated this year; calls on States and other parties to armed conflicts scrupulously to observe international humanitarian law; and also calls on UNHCR to strengthen further its collaboration with the International Committee of the Red Cross, the International Federation of the Red Cross and Red Crescent Societies, and national Red Cross and Red Crescent societies;

**No. 94 (LIII) – 2002**

*Recalling* the relevant provisions of international refugee law, international human rights law and international humanitarian law,

**No. 98 (LIV) – 2003**

(c) *Urges* all States, consistent with applicable international refugee, human rights and humanitarian law:

(i) to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and

(ii) to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

**No. 100 (LV) – 2004**

*Emphasizing* States' obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and *highlighting* that States' continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

**No. 101 (LV) – 2004**

(g) *Recognizes* the utility of amnesties in encouraging voluntary repatriation and *recommends* that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further *recognizes*, however, that amnesties should not be extended to returning refugees charged with, *inter alia*, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

- x. A rights-based approach, which recognizes children as active subjects of rights, and according to which all interventions are consistent with States' obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law, and acknowledgement that the CRC provides an important legal and normative framework for the protection of children;

**No. 108 (LIX) – 2008**

*Urging* UNHCR and its partners to continue to draw appropriately upon relevant international humanitarian and human rights law and, in cooperation with States, to adopt a rights- and community-based approach in engaging constructively with individual persons of concern and their communities in their work, including through partnership with relevant international and national human rights, humanitarian and development organizations and the active and inclusive participation of persons of concern,

## HUMAN RIGHTS

### Child Rights / Convention on the Rights of the Child

*The Executive Committee,*

#### **No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

(o) Reaffirmed the fundamental right of refugee children to education and called upon all States, individually and collectively, to intensify their efforts, in co-operation with the High Commissioner, to ensure that all refugee children benefit from primary education of a satisfactory quality, that respects their cultural identity and is oriented towards an understanding of the country of asylum;

#### **No. 84 (XLVIII) – 1997 – Conclusion on Refugee Children and Adolescents**

*Recognizing* that children and adolescents constitute the majority of refugees and other persons of concern to UNHCR,

*Conscious* of the human rights and dignity of all refugee children and adolescents, and that, due to their specific needs and vulnerability within the broader refugee population, they need to be among the first to receive protection and assistance in any refugee situation,

*Gravely concerned* that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

*Recalling* the fundamental importance of the Convention on the Rights of the Child (CRC) to the legal framework for the protection of child and adolescent refugees and for promoting their best interests,

*Recalling* that the Convention on the Rights of the Child, in its preamble, states that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

*Welcoming* the United Nations Study on the Impact of Armed Conflict on Children (“the Machel Study”), and the appointment of a Special Representative of the Secretary-General on the Impact of Armed Conflict on Children,

*Taking note*, with interest, of UNHCR’s strategy for follow-up to the Machel Study, and commending the establishment of operational performance objectives in respect of refugee children and adolescents,

*Reaffirming* its Conclusions No. 47 (XXXVIII) and No. 59 (XL) concerning refugee children and adolescents, and, stressing their continued validity,



(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(i) the principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children and adolescents;

(ii) the fundamental right of children and adolescents to life, liberty, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment;

(iii) the right of children and adolescents to education, adequate food, and the highest attainable standard of health;

(iv) the right of children affected by armed conflict to special protection and treatment, taking into account the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation, and death in connection with armed conflict;

(v) the right of children to protection from harmful traditional practices and from all other forms of exploitation;

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(i) preventing separation of children and adolescent refugees from their families and promoting care, protection, tracing and family reunification for unaccompanied minors;

(ii) safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin, and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

(iii) preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through provision of appropriate legal and rehabilitative remedies; and by following up on the Plan of Action of the 1996 Stockholm World Congress on the Sexual Exploitation of Children;

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

(v) ensuring access to education, and the right of the child to freedom of thought, conscience and religion;

(vi) providing medical or other special care, including rehabilitation assistance, to assist the social reintegration of refugee children and adolescents, especially those who are unaccompanied or orphaned;

(c) *Calls upon* UNHCR to continue to integrate fully the rights of the child into its policies and programmes; improve its operational methods for assessing the needs of child and adolescent refugees; train its staff and implementing partners accordingly; formulate preventive strategies; and strengthen collaboration with States, UNICEF, WFP, the Office of the High Commissioner for Human Rights, ICRC, non-governmental organizations, and other concerned actors;

(d) *Calls upon* UNHCR to include on the work programme of the Standing Committee in 1998 a report on the implementation of its strategy for follow-up to the Machel Study, with special reference to the establishment of operational performance objectives in respect of refugee children and adolescents and the identification of improvements in staffing, training and budgeting to meet these objectives; and also to report on follow-up of its evaluation of UNHCR programming and protection efforts on behalf of refugee children and adolescents.

(e) *Calls upon* all States to participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text.

**No. 96 (LIV) – 2003**

(c) *Reiterates* that return of persons found not to be in need of international protection should be undertaken in a humane manner, in full respect for human rights and dignity and, that force, should it be necessary, be proportional and undertaken in a manner consistent with human rights law; and *emphasizes* that in all actions concerning children, the best interests of the child shall be a primary consideration;

**No. 98 (LIV) – 2003**

*Recognizing* that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

**No. 101 (LV) – 2004**

*Noting* the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Recalling* the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

(q) *Encourages* States to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind Article 7 of the Convention on the Rights of the Child (CRC), and further encourages UNHCR to cooperate with UNICEF and UNFPA to provide technical and operational support to this end;

**No. 107 (LVIII) – 2007 – Children at Risk**

*Taking note of* the more recent international developments in relation to the protection of children, in particular the two Optional Protocols to the 1989 Convention on the Rights of the Child (CRC), Security Council resolutions 1612, 1674, and 1325, the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and the United Nations Secretary-General's Study on Violence against Children,

Noting that this Conclusion applies to children, as defined under Article 1 of the CRC, who are asylum-seekers, refugees, are internally displaced or returnees assisted and protected by UNHCR, or are stateless, particularly addressing the situation of those at heightened risk,<sup>[1]</sup>

<sup>[1]</sup> Hereinafter referred to as “children” or “a child”

#### Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

vii. Non-discriminatory enjoyment of rights and each child’s right to life should be ensured, while also assuring to the maximum extent possible each child’s survival and development, supported by a caring and protective family environment and zero tolerance for all forms of violence against children;

x. A rights-based approach, which recognizes children as active subjects of rights, and according to which all interventions are consistent with States’ obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law, and acknowledgement that the CRC provides an important legal and normative framework for the protection of children;

### **Comprehensive Approach**

*The Executive Committee,*

#### **No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one’s own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

(xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

#### **No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

## Convention Against Torture

*The Executive Committee,*

### **No. 79 (XLVII) – 1996**

(j) *Reaffirms* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are grounds for believing that they would be in danger of being subjected to torture, as set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

### **No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

### **No. 82 (XLVII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

### **No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

iii. Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **International Covenant on Civil and Political Rights**

*The Executive Committee,*

### **No. 85 (XLIX) – 1998**

(u) *Recalls* that Articles 16(3) of the Universal Declaration of Human Rights and 23(1) of the International Covenant on Civil and Political Rights proclaim that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

### **No. 101 (LV) – 2004**

*Noting* the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;<sup>[2]</sup> and, in this context, *notes* the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

<sup>[2]</sup> See Article 12(3) of International Covenant on Civil and Political Rights.

### **No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Recalling* the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

## **Link between Human Rights and Refugee Issues**

*The Executive Committee,*

### **No. 50 (XXXIX) – 1988**

(b) *Noted* the direct relationship between the observance of human rights standards, refugee movements and problems of protection;

### **No. 56 (XL) – 1989**

(b) *Welcomed* the importance given in the report, in particular, to:

(vi) the examination, where required, of existing law and doctrine in the light of the real situations being faced by refugees, taking into account the relevance of human rights principles in this context;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(ii) the possible human rights dimensions of refugee flows, which can also be a source of national and international instability;

**No. 65 (XLII) – 1991**

(u) *Welcomes* the convening of the World Conference on Human Rights and calls upon the High Commissioner to participate actively in the preparations for and the proceedings of the Conference, bearing in mind particularly that the matter of human rights and mass exoduses merits further serious consideration;

**No. 68 (XLIII) – 1992**

(x) *Takes note* of the important contribution being made by the High Commissioner to concerned international bodies and requests her to continue to seek expanded cooperation with these bodies, such as UNDP, UNICEF, WFP, FAO, UNEP, the Centre for Human Rights, the Commission on Human Rights, IOM and ICRC, and thereby, *inter alia*, to promote broadened awareness of the link between refugees and human rights, as well as development and environmental issues;

**No. 71 (XLIV) – 1993**

(cc) *Reaffirms* its support for the High Commissioner's contributions to concerned international bodies promoting a broader awareness of the close link between safeguarding human rights and preventing refugee problems, and calls upon the High Commissioner to continue her active participation in and cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant bodies and organizations;

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

**No. 80 (XLVII) – 1996 – Comprehensive and Regional Approaches within a Protection Framework**

*Recognizing* that the underlying causes of large-scale involuntary population displacements are complex and interrelated and encompass gross violations of human rights, including in armed conflict, poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and holistic manner,

*Reaffirming* in this regard conclusion No. 40 (XXXVI) on Voluntary Repatriation, which states that the aspect of causes is critical to the issue of solutions and that international efforts should also be directed to the removal of the causes of refugee movements; stressing further that the essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address causes which are at the origin of refugee movements,

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

*Noting* that the prevention of and response to such situations may be beyond UNHCR's mandate and capacity,

*Further noting* that internally displaced persons remain within the territorial jurisdiction of their own countries and that the primary responsibility for their welfare and protection lies with the State concerned,

*Aware* that involuntary displacement, in addition to the human suffering involved, can impose significant intra-regional burdens, and may also affect security and stability at the regional level,

*Acknowledging* the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions,

(a) *Emphasizes* the responsibility of States to ensure conditions which do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

(b) *Reaffirms* the value of comprehensive approaches in which UNHCR has played a significant part, through its presence and activities in countries of origin as well as countries of asylum; notably the CIREFCA process, the Comprehensive Plan of Action and the repatriation to Mozambique; and recalls that the High Commissioner is mandated to promote voluntary repatriation by taking initiatives including promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication;

(c) *Underlines* the value of regional cooperation, as illustrated by these approaches, in addressing involuntary displacement in a manner which encompasses the political dimension of causes;

(d) *Recalls* that, while there is no blueprint for such approaches, protection considerations should govern the entire process towards solutions, and standards should be applied consistently;

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

(ii) promotion of the rule of law through national legal and judicial capacity-building

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

(iv) measures to reinforce international solidarity and burden-sharing

(v) support for long-term sustainable development

- (vi) integration of developmental approaches into the relief stage by strengthening national capacities
- (vii) support for rehabilitation, reintegration and reconstruction measures which will underpin the sustainability of repatriation
- (viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism
- (ix) the establishment and fostering of mechanisms designed to avoid or reduce the incidence of conflict, as conflict may result in population displacement
- (x) reconciliation measures where necessary and possible, notably in post-conflict situations, to ensure the durability of solutions
- (xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

(f) Invites UNHCR to provide its support and expertise in formulating comprehensive approaches and assisting States in exploring more systematically where and how such approaches might be appropriate and feasible.

**No. 93 (LIII) – 2002**

*Acknowledging* the centrality of applicable international human rights law and standards in the development and implementation of reception policies,

**No. 94 (LIII) – 2002**

*Recalling* the relevant provisions of international refugee law, international human rights law and international humanitarian law,

**No. 95 (LIV) – 2003**

(k) *Acknowledges* the multifaceted linkages between refugee issues and human rights and *recalls* that the refugee experience, in all its stages, is affected by the degree of respect by States for human rights and fundamental freedoms;

(l) *Notes* the complementary nature of international refugee and human rights law as well as the possible role of the United Nations human rights mechanisms in this area and therefore *encourages* States, as appropriate, to address the situation of the forcibly displaced in their reports to the United Nations Treaty Monitoring Bodies, and suggests that these bodies may, in turn, wish to reflect, within their mandates, on the human rights dimensions of forced displacement;

**No. 103 (LVI) – 2005**

*Reaffirming* the principle that all human beings shall enjoy human rights and fundamental freedoms without discrimination, including the right to seek and enjoy asylum,

(c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;



(n) *Encourages* States, in granting complementary forms of protection to those persons in need of it, to provide for the highest degree of stability and certainty by ensuring the human rights and fundamental freedoms of such persons without discrimination, taking into account the relevant international instruments and giving due regard to the best interest of the child and family unity principles;

**No. 104 (LVI) – 2005 – Local Integration**

(l) *Affirms* the particular importance of the legal dimension of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing, and in this respect:

- i. *recognizes* the relevance of the 1951 Convention and its 1967 Protocol and relevant human rights instruments as providing a useful legal framework for guiding the local integration process;
- ii. *recognizes* further that in support of the legal process, host countries may need technical and financial support to adapt and revise their national legal and administrative frameworks to allow refugees equal enjoyment of rights, services and programmes without discrimination;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Identification of women and girls at risk

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

**Responsibilities of States**

*The Executive Committee,*

**No. 52 (XXXIX) – 1988 – International Solidarity and Refugee Protection**

*Remaining* deeply concerned about the gravity and complexity of refugee problems throughout the world, the serious violations of human rights which accompany them and the dislocation and distress they cause for the millions of individuals involved;

*Reaffirming* that refugee problems are the concern of the international community and their resolution is dependent on the will and capacity of States to respond in concert and wholeheartedly, in a spirit of true humanitarianism and international solidarity;

*Noting* that States have obligations or responsibilities to accord protection and a basic standard of treatment to refugees and that these must be performed in good faith;

*Noting* also that the Office of the United Nations High Commissioner for Refugees was created in the context of an urgent need to provide protection to refugees and that it is this protection function which uniquely characterizes the Office;

1. *Underlined* that States, which have defined the protection role of the Office, have a responsibility to co-operate with it in the fulfilment of its mandate on the basis of the fundamental humanitarian principles which motivate its work;

2. *Noted* that States and UNHCR are joined in the common pursuit of solutions for refugee problems and the international protection of the fundamental rights of refugees;

3. *Stressed* that the principle of international solidarity has a fundamental role to play in encouraging a humanitarian approach to the grant of asylum and in the effective implementation of international protection in general;

4. *Recalled* that, in all circumstances, the respect for fundamental humanitarian principles is an obligation for all members of the international community, it being understood that the principle of international solidarity is of utmost importance to the satisfactory implementation of these principles;

5. *Invited* all States to continue actively to support the protection functions of the High Commissioner through all appropriate means, both bilateral and multilateral, as well as to abide by their own humanitarian responsibilities towards refugees, including, particularly, to safeguard the right to seek and enjoy asylum from persecution and to ensure full respect for the principle of *non-refoulement*.

**No. 55 (XL) – 1989**

(k) *Expressed* the strong hope that, consistent with international practice, States will ensure that their extradition legislation or arrangements maintain the protections or exemptions necessary to safeguard the basic rights of refugees;

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 72 (XLIV) – 1993 – Personal Security of Refugees**

*Expressing* its deep concern over reports on the alarming frequency of incidents in which refugees and asylum-seekers, including women and children, are subjected to violence and mistreatment including killing, torture, military or armed attacks, rape, beatings, intimidation, forced recruitment and arbitrary or inhumane conditions of detention,

*Reaffirming* the responsibility of States to respect and ensure the fundamental human rights of refugees and asylum-seekers to life, liberty and security of person as well as to freedom from torture or other cruel, inhumane or degrading treatment or punishment,

*Recalling* previous conclusions dealing with the personal security of refugees, in particular, Conclusions No. 22 (XXXII) on the Protection of Asylum-Seekers in Situations of Large-Scale Influx and No. 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements,

*Stressing* the duty of refugees and asylum-seekers to conform to the laws and regulations of the country of asylum and abstain from any activity likely to detract from the exclusively civilian and humanitarian character of refugee camps and settlements,

*Reaffirming* the fundamental importance of the scrupulous observance of the principle of *non-refoulement* for the personal security of refugees,

(a) *Deplores* all violations of the right to personal security of refugees and asylum-seekers, in particular organized attacks or the incitement to violence directed against them;

(b) *Urges* States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;

(c) *Calls upon* States vigorously to investigate violations of the personal security of refugees and asylum-seekers, and where possible to institute criminal prosecution, and where applicable strict disciplinary measures, against all perpetrators of such violations;

(d) *Calls upon* States, in collaboration with UNHCR and, as appropriate, other organizations approved by the Governments concerned, to provide effective physical protection to asylum-seekers and refugees and to ensure safe access for humanitarian assistance and relief workers, where necessary through the recruitment and training of personnel specifically assigned the task of protecting refugees and securing supply routes for humanitarian assistance;

(e) *Supports* the High Commissioner's activities to monitor the personal security of refugees and asylum-seekers and to take appropriate action to prevent or redress violations thereof, including the expansion of training programmes aimed at enhancing the understanding of refugee protection among law enforcement officials, other concerned Government personnel, and non-governmental organizations;

(f) *Encourages* the High Commissioner to develop, share with the Executive Committee and disseminate widely guidelines containing practical measures that States, UNHCR as well as other international and non-governmental organizations can take to further strengthen the physical protection of refugees and asylum-seekers.

#### **No. 75 (XLV) – 1994**

(m) *Recognizes* that international human rights law, international humanitarian law, and, in many cases, national laws include norms providing for the security and protection of the internally displaced as well as those at risk of displacement, and expressed serious concern at the failure of parties involved to respect these norms;

**No. 77 (XLVI) – 1995**

(a) *Distressed* at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of non *refoulement*, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;

**No. 80 (XLVII) – 1996**

(a) *Emphasizes* the responsibility of States to ensure conditions which do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

**No. 87 (L) – 1999**

(o) *Calls* on States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

**No. 95 (LIV) – 2003**

(l) *Notes* the complementary nature of international refugee and human rights law as well as the possible role of the United Nations human rights mechanisms in this area and therefore *encourages* States, as appropriate, to address the situation of the forcibly displaced in their reports to the United Nations Treaty Monitoring Bodies, and suggests that these bodies may, in turn, wish to reflect, within their mandates, on the human rights dimensions of forced displacement;

**No. 100 (LV) – 2004**

*Emphasizing* States' obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and *highlighting* that States' continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

## **Rights and Community-Based Approach**

*See also* AGE, GENDER AND DIVERSITY MAINSTREAMING

*The Executive Committee,*

**No. 47 (XXXVIII) – 1987 – Refugee Children**

(r) *Recommended* regular and timely assessment and review of the needs of refugee children, either on an individual basis or through sample surveys, prepared in co-operation with the country of asylum, taking into account all relevant factors such as age, sex, personality, family, religion, social and cultural background and the situation of the local population, and benefiting from the active involvement of the refugee community itself;

**No. 72 (XLIV) – 1993**

(b) *Urges* States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;

**No. 99 (LV) – 2004**

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the nondiscriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

(t) *Reaffirms* the importance of timely and adequate assistance and protection for refugees; that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection; *notes* the importance of a rights and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food, and other forms of material assistance; and *expresses concern* in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken;

**No. 104 (LVI) – 2005 – Local Integration**

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

Preventive strategies

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;

iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;

iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;

iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

**No. 107 (LVIII) – 2007 – Children at Risk**

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

vii. Non-discriminatory enjoyment of rights and each child's right to life should be ensured, while also assuring to the maximum extent possible each child's survival and development, supported by a caring and protective family

x. A rights-based approach, which recognizes children as active subjects of rights, and according to which all interventions are consistent with States' obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law, and acknowledgement that the CRC provides an important legal and normative framework for the protection of children;

**No. 108 (LIX) – 2008**

*Urging* UNHCR and its partners to continue to draw appropriately upon relevant international humanitarian and human rights law and, in cooperation with States, to adopt a rights- and community-based approach in engaging constructively with individual persons of concern and their communities in their work, including through partnership with relevant international and national human rights, humanitarian and development organizations and the active and inclusive participation of persons of concern,

## **Role of the High Commissioner for Refugees**

*The Executive Committee,*

**No. 65 (XLII) – 1991**

(v) *Calls upon* the High Commissioner to continue to contribute, as appropriate, to the deliberations of international human rights bodies.

**No. 68 (XLIII) – 1992**

(a) *Reaffirms* the primary nature of the High Commissioner's protection responsibilities which are performed as a non-political, humanitarian and social function within the framework of international refugee law and applicable regional instruments, with due regard for human rights and humanitarian law, and which necessitate cooperation with UNHCR, as well as among and between States in accordance with the United Nations Charter, on a basis of international responsibilities, solidarity and burden-sharing;

(p) *Supports*, in this connection, strengthened efforts by the High Commissioner to explore further approaches encompassing early warning, training, advisory services and promotion of human rights and of development, in conformity with her mandate and responsibilities, within an inter-agency, intergovernmental and non-governmental framework as appropriate, to prevent conditions giving rise to refugee exoduses;

**No. 71 (XLIV) – 1993**

(u) *Reiterates* that UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined;

**No. 77 (XLVI) – 1995**

(i) *Recognizes* that for States to fulfil their humanitarian responsibilities in receiving refugees and in reintegrating returning refugees, and in addressing some of the causes of refugee movements, an

effective human rights regime is essential, including institutions which sustain the rule of law, justice and accountability; and in this connection calls on UNHCR to strengthen its activities in support of national legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights

**No. 79 (XLVII) – 1996**

(w) *Recalling* the interrelationship between protection and solutions, as well as the desirability of prevention, including through the respect for human rights and the implementation of relevant instruments and standards, with particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to eliminate causes of refugee flows, calls on UNHCR to continue its activities in support of national legal and judicial capacity-building where appropriate, and to cooperate with the United Nations High Commissioner for Human Rights and other relevant organizations in this regard.

**No. 85 (XLIX) – 1998**

(i) *Encourages* UNHCR to strengthen further its collaboration with the Office of the High Commissioner for Human Rights and with relevant human rights bodies and mechanisms, as well as with non-governmental organizations, with a view to strengthening refugee protection, keeping in mind the need to improve coordination, promote complementarity, avoid duplication of efforts and to preserve the distinct character of the respective mandates;

## **Sexual Violence**

*The Executive Committee,*

**No. 73 (XLIV) – 1993 – Refugee Protection and Sexual Violence**

*Noting* with grave concern the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

*Noting* also distressing reports that refugees and asylum-seekers, including children, in many instances have been subjected to rape or other forms of sexual violence during their flight or following their arrival in countries where they sought asylum, including sexual extortion in connection with the granting of basic necessities, personal documentation or refugee status,

*Recognizing* the need for concrete action to detect, deter and redress instances of sexual violence to effectively protect asylum-seekers and refugees,

*Recognizing* further that the prevention of sexual violence can contribute to averting coerced displacement including refugee situations and to facilitating solutions,

*Stressing* the importance of international instruments relating to refugees, human rights and humanitarian law for the protection of asylum-seekers, refugees and returnees against sexual violence,

*Bearing in mind* the draft Declaration on the Elimination of Violence against Women adopted by the Commission on the Status of Women as well as other measures being taken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, the Security Council and other bodies of the United Nations to prevent, investigate and, as appropriate, according to their mandates, punish sexual violence,



*Reaffirming* its Conclusions No. 39 (XXXVI), No. 54 (XXXIX), No. 60 (XL) and No. 64 (XLI) concerning refugee women,

(a) *Strongly condemns* persecution through sexual violence, which not only constitutes a gross violation of human rights, as well as, when committed in the context of armed conflict, a grave breach of humanitarian law, but is also a particularly serious offense to human dignity;

(b) *Urges* States to respect and ensure the fundamental right of all individuals within their territory to personal security, *inter alia* by enforcing relevant national laws in compliance with international legal standards and by adopting concrete measures to prevent and combat sexual violence, including:

(i) the development and implementation of training programmes aimed at promoting respect by law enforcement officers and members of military forces of the right of every individual, at all times and under all circumstances, to security of person, including protection from sexual violence,

(ii) implementation of effective, non-discriminatory legal remedies including the facilitation of the filing and investigation of complaints against sexual abuse, the prosecution of offenders, and timely and proportional disciplinary action in cases of abuse of power resulting in sexual violence,

(iii) arrangements facilitating prompt and unhindered access to all asylum-seekers, refugees and returnees for UNHCR and, as appropriate, other organizations approved by the Governments concerned, and

(iv) activities aimed at promoting the rights of refugee women, including through the dissemination of the Guidelines on the Protection of Refugee Women and their implementation, in close cooperation with refugee women, in all sectors of refugee programmes;

(c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

(d) *Supports* the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;

(e) *Recommends* the development by States of appropriate guidelines on women asylum-seekers, in recognition of the fact that women refugees often experience persecution differently from refugee men;

(f) *Recommends* that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;

(g) *Recommends* that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;

(h) *Reiterates* the importance of ensuring the presence of female field staff in refugee programmes, including emergency operations, and the direct access of refugee women to them;

- (i) *Supports* the High Commissioner's efforts, in coordination with other intergovernmental and non-governmental organizations competent in this area, to develop and organize training courses for authorities, including camp officials, eligibility officers, and others dealing with refugees on practical protection measures for preventing and responding to sexual violence;
- (j) *Recommends* the establishment by States of training programmes designed to ensure that those involved in the refugee status determination process are adequately sensitized to issues of gender and culture;
- (k) *Encourages* the High Commissioner to pursue actively her efforts, in cooperation with bodies and organizations dealing with human rights, to increase awareness of the rights of refugees and the specific needs and abilities of refugee women and girls and to promote the full and effective implementation of the Guidelines on the Protection of Refugee Women;
- (l) *Calls upon* the High Commissioner to include the issue of sexual violence in future progress reports on the implementation of the Guidelines on the Protection of Refugee Women;
- (m) *Requests* the High Commissioner to issue as an Executive Committee document and disseminate widely the Note on Certain Aspects of Sexual Violence against Refugee Women.

**No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

Identification of women and girls at risk

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and

## **Standards of Treatment**

*The Executive Committee,*

### **No. 19 (XXXI) – 1980**

(e) *Stressed* the exceptional character of temporary refuge and the essential need for persons to whom temporary refuge has been granted to enjoy basic humanitarian standards of treatment;

### **No. 22 (XXXII) – 1981**

#### B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

1. Article 31 of the 1951 United Nations Convention relating to the Status of Refugees contains provisions regarding the treatment of refugees who have entered a country without authorization and whose situation in that country has not yet been regularized. The standards defined in this Article do not, however, cover all aspects of the treatment of asylum-seekers in large-scale influx situations.

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(a) they should not be penalized or exposed to any unfavourable treatment solely on the ground that their presence in the country is considered unlawful; they should not be subjected to restrictions on their movements other than those which are necessary in the interest of public health and public order;

(b) they should enjoy the fundamental civil rights internationally recognized, in particular those set out in the Universal Declaration of Human Rights;

(c) they should receive all necessary assistance and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform with the principles of international solidarity and burden-sharing;

(d) they should be treated as persons whose tragic plight requires special understanding and sympathy. They should not be subjected to cruel, inhuman or degrading treatment;

(e) there should be no discrimination on the grounds of race, religion, political opinion, nationality, country of origin or physical incapacity;

(f) they are to be considered as persons before the law, enjoying free access to courts of law and other competent administrative authorities;

- (g) the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin. They should not become involved in subversive activities against their country of origin or any other State;
- (h) family unity should be respected;
- (i) all possible assistance should be given for the tracing of relatives;
- (j) adequate provision should be made for the protection of minors and unaccompanied children;
- (k) the sending and receiving of mail should be allowed;
- (l) material assistance from friends or relatives should be permitted;
- (m) appropriate arrangements should be made, where possible, for the registration of births, deaths and marriages;
- (n) they should be granted all the necessary facilities to enable them to obtain a satisfactory durable solution;
- (o) they should be permitted to transfer assets which they have brought into a territory to the country where the durable solution is obtained; and
- (p) all steps should be taken to facilitate voluntary repatriation.

**No. 25 (XXXIII) – 1982**

(k) *Noted* with renewed appreciation the work of the Sub-Committee on International Protection which has continued to support the High Commissioner's efforts to extend international protection, in particular by confirming and more clearly defining and developing the basic standards for the treatment of refugees and asylum-seekers;

**No. 29 (XXXIV) – 1983**

(b) *Noted* that the High Commissioner's international protection function includes, in addition to promoting the development and observance of basic standards for the treatment of refugees, promoting, by all means within his competence, measures to ensure the physical safety of refugees and asylum-seekers;

**No. 36 (XXXVI) – 1985**

(f) *Noted* with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world had continued to be disregarded and that in particular refugees are being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and *refoulement*;

**No. 42 (XXXVII) – 1986**

(c) *Recognized* that these instruments incorporate fundamental principles of refugee law including the principle of *non-refoulement* and lay down minimum standards for the treatment of refugees and thus constitute the corner-stone of international protection;

**No. 44 (XXXVII) – 1986**

(f) *Stressed* that conditions of detention of refugees and asylum seekers must be humane. In particular, refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as common criminals, and shall not be located in areas where their physical safety is endangered;

**No. 45 (XXXVII) – 1986**

*Gravely concerned* that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world have continued to be disregarded as evidenced, in particular, by the large number of victims and material damage occasioned by the various military and armed attacks on refugee camps and settlements which continue to occur;

**No. 50 (XXXIX) – 1988**

(c) *Stressed* that States must continue to be guided, in their treatment of refugees, by existing international law and humanitarian principles and practice bearing in mind the moral dimension of providing refugee protection;

**No. 58 (XL) – 1989**

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

(iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;

(f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if

(ii) they are permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them. Where such return is envisaged, UNHCR may be requested to assist in arrangements for the re-admission and reception of the persons concerned;

**No. 74 (XLV) – 1994**

(r) *Considers* that temporary protection, which has been described by the High Commissioner in the context of the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia as including admission to safety, respect for basic human rights, protection against *refoulement*, and safe return when conditions permit to the country of origin, can be of value as a pragmatic and flexible method of affording international protection of a temporary nature in situations of conflict or persecution involving large scale outflows;

**No. 85 (XLIX) – 1998**

(dd) *Deplores* that many countries continue routinely to detain asylum-seekers (including minors) on an arbitrary basis, for unduly prolonged periods, and without giving them adequate access to UNHCR and to fair procedures for timely review of their detention status; notes that such detention practices are inconsistent with established human rights standards and urges States to explore more actively all feasible alternatives to detention;

**No. 93 (LIII) – 2002**

*Acknowledging* the centrality of applicable international human rights law and standards in the development and implementation of reception policies,

*Bearing in mind* the need to provide a safe and dignified environment for asylum-seekers as well as discourage misuse of asylum systems,

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(i) While there is scope for flexibility in the choice of reception arrangements to be put in place, it is important that the various reception measures respect human dignity and applicable international human rights law and standards;

(ii) Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met;

**No. 96 (LIV) – 2003**

(c) *Reiterates* that return of persons found not to be in need of international protection should be undertaken in a humane manner, in full respect for human rights and dignity and, that force, should it be necessary, be proportional and undertaken in a manner consistent with human rights law; and *emphasizes* that in all actions concerning children, the best interests of the child shall be a primary consideration;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(i) The State within whose sovereign territory, or territorial waters, interception takes place has the primary responsibility for addressing any protection needs of intercepted persons;

(ii) All intercepted persons should be treated, at all times, in a humane manner respectful of their human rights. State authorities and agents acting on behalf of the intercepting State should take, consistent with their obligations under international law, all appropriate steps in the implementation of interception measures to preserve and protect the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment of persons intercepted;

**No. 101 (LV) – 2004**

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll

out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

(t) *Reaffirms* the importance of timely and adequate assistance and protection for refugees; that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection; *notes* the importance of a rights and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food, and other forms of material assistance; and *expresses concern* in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken;

#### **No. 104 (LVI) – 2005 – Local Integration**

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

- i. *recognizes* that the protection, in all States, of basic civil, economic and social rights, including freedom of movement and the right to engage in income-generating activities is essential to the achievement of self-reliance of refugees;

#### **No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Expressing* concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

(u) *Encourages* States which are not yet Parties to the 1954 Convention relating to the Status of Stateless Persons to treat stateless persons lawfully residing on their territory in accordance with international human rights law; and to consider, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation;

(w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also calls on States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;

## Universal Declaration of Human Rights

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(b) they should enjoy the fundamental civil rights internationally recognized, in particular those set out in the Universal Declaration of Human Rights;

### **No. 82 (XLVIII) – 1997**

(b) *Reaffirms* that the institution of asylum, which derives directly from the right to seek and enjoy asylum set out in Article 14 (1) of the 1948 Universal Declaration of Human Rights, is among the most basic mechanisms for the international protection of refugees;

### **No. 85 (XLIX) – 1998**

(f) *Notes* that the 50th anniversary of the Universal Declaration of Human Rights is being commemorated this year and reaffirms that the institution of asylum, which derives directly from the right to seek and enjoy asylum from persecution set out in Article 14 of the Declaration, is among the most basic mechanisms for the protection of refugees;

(u) *Recalls* that Articles 16(3) of the Universal Declaration of Human Rights and 23(1) of the International Covenant on Civil and Political Rights proclaim that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

### **No. 101 (LV) – 2004**

*Noting* the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

### **No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Recalling* the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,



*Recalling* that all human beings are born free and equal in dignity and they are entitled to the rights and freedoms enshrined in the Universal Declaration of Human Rights, without distinction of any kind,

**No. 108 (LIX) – 2008**

*The Executive Committee,*

*Reiterating*, in the 60th anniversary year of the Universal Declaration of Human Rights, the enduring importance of freedom of movement and residence within the borders of each State, of the right to seek and enjoy asylum in other countries from persecution and of the right to a nationality, enshrined in Articles 13, 14 and 15 of the Declaration; and *recognizing* the importance of the rights in the Declaration to all persons of concern to UNHCR,

## **Violations of Human Rights**

*The Executive Committee,*

**No. 1 (XXVI) – 1975**

(a) *Expressed* appreciation to the High Commissioner for the way he was discharging his duties in this especially important and particularly difficult field and fully shared his concern at the numerous and flagrant violations of the human rights of refugees;

**No. 2 (XXVII) – 1976**

(a) *Was gravely preoccupied* by the serious recurring violations of human rights of refugees and of their rights under legal instruments concerning them and was particularly concerned by the situation of several groups of refugees whose safety was in danger;

**No. 3 (XXVIII) – 1977**

(a) *Was gravely preoccupied* that in a number of cases the basic human rights of refugees had still not been respected, that refugees had been subjected to physical violence, to unjustified and unduly prolonged measures of detention and to measures of forcible return in disregard of the principle of *non-refoulement*.

(b) *Welcomed* the efforts undertaken by the High Commissioner in the field of international protection and recognized the urgent need for these efforts to be continued and intensified, particularly in those areas where the basic rights of refugees are endangered.

**No. 11 (XXIX) – 1978**

(b) *Was seriously concerned* that various problems arising in this field had not yet been resolved and that cases of non-observance of the basic human rights of refugees still continued to arise;

**No. 21 (XXXII) – 1981**

(e) *Noted* that despite an increasingly broad understanding of the principles of international protection, the basic rights of refugees had been disregarded in a number of areas in the world;

**No. 25 (XXXIII) – 1982**

(c) *Expressed* concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of

refugees and asylum seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

**No. 36 (XXXVI) – 1985**

(f) *Noted* with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world had continued to be disregarded and that in particular refugees are being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and *refoulement*;

**No. 45 (XXXVII) – 1986**

*Gravely concerned* that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world have continued to be disregarded as evidenced, in particular, by the large number of victims and material damage occasioned by the various military and armed attacks on refugee camps and settlements which continue to occur;

**No. 74 (XLV) – 1994**

(f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

**No. 79 (XLVII) – 1996**

(i) *Distressed* at the widespread violations of the principle of *non-refoulement* and of the rights of refugees, in some cases resulting in loss of refugee lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been *refouled* and expelled in highly dangerous situations; recalls that the principle of *non-refoulement* is not subject to derogation;

**No. 81 (XLVIII) – 1997**

(b) *Strongly deplors* the serious and often brutal violations of the human rights of refugees, returnees and displaced persons during the past year, and remains particularly preoccupied with the situation of refugees, asylum-seekers, and displaced persons in central Africa;

**No. 87 (L) – 1999 – The Protection Situation**

(a) *Strongly deplors* the serious breaches of internationally recognized rights of refugees, asylum-seekers and other persons of concern over the past year, and remains particularly preoccupied that systematic violations of human rights, blatant disregard of international humanitarian law, and policies of wholesale expulsions of populations and “ethnic cleansing” have caused significant displacement both internally and across borders in many regions of the world;

**No. 90 (LII) – 2001**

(s) *Strongly condemning* the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; *calls upon* States to cooperate in the establishment of identity and nationality

status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

**No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

## **Women's Rights**

*The Executive Committee,*

**No. 60 (XL) – 1989**

(b) *Noted* with serious concern that the basic rights of refugee women continue to be violated in a number of situations, including through threats to their physical safety and sexual exploitation;

**No. 64 (XLI) – 1990**

*Stressing* that all action taken on behalf of women who are refugees must be guided by the relevant international instruments relating to the status of refugees as well as other applicable human rights instruments, in particular, for States parties thereto, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

**No. 68 (XLIII) – 1992**

(i) *Expresses* appreciation for the progress report on the implementation of the Guidelines on the Protection of Refugee Women (EC/SCP/74), notes with great concern the precarious situation of many refugee women, whose physical safety is often endangered and who often do not have equal access to basic necessities including adequate health and educational facilities, and calls upon all States, UNHCR and other concerned parties to ensure implementation of the Guidelines, particularly through measures aimed at eliminating all forms of sexual exploitation of and violence against refugee women, protecting women heads of household, and promoting their active participation and involvement in decisions affecting their lives and communities;

(j) *Reaffirms* its Conclusion No. 64 (XLI) on Refugee Women and International Protection, and calls upon the High Commissioner to pursue her efforts to increase public awareness of the rights and protection needs of refugee women and girls, *inter alia*, through further sensitization of bodies concerned with the status of women, and by promoting and supporting the inclusion of the issue of the rights of refugee women on the international human rights agenda;

(k) *Encourages* the High Commissioner to ensure that specific attention to refugee women's issues becomes an integral part of refugee protection and requests her also to ensure that the protection situation of both refugee women and of refugee children is included in the plan of work for forthcoming meetings of the Sub-Committee of the Whole on International Protection;

**No. 77 (XLVI) – 1995**

(g) *Calls upon* the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines, and by monitoring to ensure their fair and consistent application. In accordance with the principle that women's rights are human rights, these guidelines should recognize as refugees women whose claim to refugee status is based upon well-founded fear of persecution for reasons enumerated in the 1951 Convention and 1967 Protocol, including persecution through sexual violence or other gender-related persecution;

**No. 101 (LV) – 2004**

*Noting* the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

## ILLEGAL ENTRY

*The Executive Committee,*

**No. 44 (XXXVII) – 1986**

(a) *Noted* with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation;

**No. 55 (XL) – 1989**

(g) *Noted* with deep concern that large numbers of refugees and asylum-seekers in different areas of the world are currently the subject of detention or similar restrictive measures by reason of their illegal entry or presence in search of asylum, pending resolution of their situation and reiterated its Conclusion No. 44 (XXXVII) which circumscribes the grounds for detention of such persons;

**No. 85 (XLIX) – 1998**

(ee) *Notes* with concern that asylum-seekers detained only because of their illegal entry or presence are often held together with persons detained as common criminals, and reiterates that this is undesirable and must be avoided whenever possible, and that asylum-seekers shall not be located in areas where their physical safety is in danger;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(vi) Intercepted asylum-seekers and refugees should not become liable to criminal prosecution under the *Protocol Against the Smuggling of Migrants by Land, Sea or Air* for the fact of having been the object of conduct set forth in article 6 of the Protocol; nor should any intercepted person incur any penalty for illegal entry or presence in a State in cases where the terms of Article 31 of the 1951 Convention are met;

## INTERCEPTION

*The Executive Committee,*

### **No. 89 (LI) – 2000**

*Noting* the discussions in the Standing Committee on the interception of asylum-seekers and refugees, and *recognizing* the importance of adopting comprehensive measures, between all relevant States and in cooperation with UNHCR, international organizations and other appropriate organizations, to deal effectively with irregular migration, trafficking and smuggling of persons, potentially including refugees and asylum-seekers, and ensure in this context that international protection and assistance needs of asylum-seekers and refugees are identified and fully met, consistent with international protection responsibilities, in particular the principle of *non-refoulement*;

### **No. 97 (LIV) – 2003 – Conclusion on Protection Safeguards in Interception Measures**

*Noting* the discussions which took place on interception measures at the Standing Committee<sup>[1]</sup> as well as in the context of the Global Consultations on International Protection,<sup>[2]</sup>

*Concerned* about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

*Recognizing* that States have a legitimate interest in controlling irregular migration, as well as ensuring the safety and security of air and maritime transportation, and a right to do so through various measures;

*Recalling* the emerging legal framework<sup>[3]</sup> for combating criminal and organized smuggling and trafficking of persons, in particular the Protocol Against the Smuggling of Migrants by Land, Sea and Air, which, *inter alia*, contemplates the interception of vessels enjoying freedom of navigation in accordance with international law, on the basis of consultations between the flag State and the intercepting State in accordance with international maritime law, provided that there are reasonable grounds to suspect that the vessel is engaged in the smuggling of migrants by sea;

*Noting* the saving clauses contained in each of the Protocols<sup>[4]</sup> and the reference to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the principle of *non-refoulement*;

*Recalling* also the duty of States and shipmasters to ensure the safety of life at sea and to come to the aid of those in distress or in danger of being lost at sea, as contained in numerous instruments of the codified system of international maritime law<sup>[5]</sup>; recalling also Conclusions of the Executive Committee of relevance to the particular needs of asylum-seekers and refugees in distress at sea<sup>[6]</sup> and affirming that when vessels respond to persons in distress at sea, they are not engaged in interception;

*Recognizing* also that States have international obligations regarding the security of civilian air transportation and that persons whose identities are unknown represent a potential threat to the

security of air transportation as contained in numerous instruments of the codified system on international aviation law;<sup>[7]</sup>

*Understanding* that for the purposes of this conclusion, and without prejudice to international law, particularly international human rights law and refugee law, with a view to providing protection safeguards to intercepted persons, interception is one of the measures employed by States to:

- (i) prevent embarkation of persons on an international journey;
- (ii) prevent further onward international travel by persons who have commenced their journey; or
- (iii) assert control of vessels where there are reasonable grounds to believe the vessel is transporting persons contrary to international or national maritime law;

where, in relation to the above, the person or persons do not have the required documentation or valid permission to enter; and that such measures also serve to protect the lives and security of the travelling public as well as persons being smuggled or transported in an irregular manner;

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

- (i) The State within whose sovereign territory, or territorial waters, interception takes place has the primary responsibility for addressing any protection needs of intercepted persons;
- (ii) All intercepted persons should be treated, at all times, in a humane manner respectful of their human rights. State authorities and agents acting on behalf of the intercepting State should take, consistent with their obligations under international law, all appropriate steps in the implementation of interception measures to preserve and protect the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment of persons intercepted;
- (iii) Interception measures should take into account the fundamental difference, under international law, between those who seek and are in need of international protection, and those who can resort to the protection of their country of nationality or of another country;
- (iv) Interception measures should not result in asylum-seekers and refugees being denied access to international protection, or result in those in need of international protection being returned, directly or indirectly, to the frontiers of territories where their life or freedom would be threatened on account of a Convention ground, or where the person has other grounds for protection based on international law. Intercepted persons found to be in need of international protection should have access to durable solutions;
- (v) The special needs of women and children and those who are otherwise vulnerable should be considered as a matter of priority;
- (vi) Intercepted asylum-seekers and refugees should not become liable to criminal prosecution under the *Protocol Against the Smuggling of Migrants by Land, Sea or Air* for the fact of having been the object of conduct set forth in article 6 of the Protocol; nor should any intercepted person incur any penalty for illegal entry or presence in a State in cases where the terms of Article 31 of the 1951 Convention are met;
- (vii) Intercepted persons who do not seek or who are determined not to be in need of international protection should be returned swiftly to their respective countries of origin or other country of nationality or habitual residence and States are encouraged to cooperate in facilitating this process;<sup>[8]</sup>

(viii) All persons, including officials of a State, and employees of a commercial entity, implementing interception measures should receive specialized training, including available means to direct intercepted persons expressing international protection needs to the appropriate authorities in the State where the interception has taken place, or, where appropriate, to UNHCR;

(b) *Encourages* States to generate and share more detailed information on interception, including numbers, nationalities, gender and numbers of minors intercepted, as well as information on State practice, having due consideration for security and data protection concerns subject to the domestic laws and international obligations of those States;

(c) *Encourages* States to further study interception measures, including their impact on other States, with a view to ensuring that these do not interfere with obligations under international law.

[1] EC/50/SC/CRP17, 9 June 2000.

[2] EC/GC/O1/13, 31 May 2001, Regional Workshops in Ottawa, Canada and in Macau.

[3] The United Nations Convention Against Transnational Organized Crime, 2000 and its Supplementary Protocols Against the Smuggling of Migrants by Land, Sea and Air; and to Suppress and Punish Trafficking in Persons, Especially Women and Children.

[4] Article 19 of the Smuggling Protocol and Article 14 of the Trafficking Protocol.

[5] Including *inter alia* the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, 1974, as amended and the International Convention on Maritime Search and Rescue, 1979, as amended.

[6] In particular No. 15(XXX), No. 20(XXXI), No. 23(XXXII), No. 26 (XXXIII), No. 31 (XXXIV), No. 34 (XXXV) and No. 38 (XXXVI).

[7] Including, *inter alia*, the 1963 Convention on Offenses and Certain Other Acts Committed on Board Aircraft, the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

[8] See Conclusion on the return of persons found not to be in need of international protection (A/AC.96/987, para. 21).



## **INTERNALLY DISPLACED PERSONS**

### **Causes of Internal Displacement**

*The Executive Committee,*

#### **No. 87 (L) – 1999 – The Protection Situation**

(a) *Strongly deplores* the serious breaches of internationally recognized rights of refugees, asylum-seekers and other persons of concern over the past year, and remains particularly preoccupied that systematic violations of human rights, blatant disregard of international humanitarian law, and policies of wholesale expulsions of populations and “ethnic cleansing” have caused significant displacement both internally and across borders in many regions of the world;

#### **No. 101 (LV) – 2004**

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;<sup>[2]</sup> and, in this context, *notes* the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

<sup>[2]</sup> See Article 12(3) of International Covenant on Civil and Political Rights.

### **Conclusion Specific to Internally Displaced Persons**

*The Executive Committee,*

#### **No. 75 (XLV) – 1993 – Internally Displaced Persons**

(a) *Recognizes* that the involuntary displacement of persons within their own countries is a problem of global dimensions, and that the plight of such-internally displaced persons, whose numbers may exceed those of refugees, is a matter of grave humanitarian concern;

(b) *Notes* that the many and varied underlying causes of involuntary internal displacement and of refugee movements are often similar, and that the problems of both refugees and the internally displaced often call for similar measures with respect to prevention, protection, humanitarian assistance, and solutions;

(c) *Reiterates* the need for the international community to seek ways and means to avert involuntary displacements;

(d) *Emphasizes* that since internally displaced persons remain within the territorial jurisdiction of their own countries, the primary responsibility for their welfare and protection lies with the State concerned;

(e) *Urges* the Governments of States where there are internally displaced persons to fulfil their responsibility for their welfare and protection;

(f) *Calls upon* the international community, in appropriate circumstances, to provide timely and speedy humanitarian assistance and support to countries affected by internal displacement to help them fulfil their responsibility towards the displaced;

- (g) *Notes* that, in many instances, the internally displaced are present alongside refugees, returnees, or a vulnerable local population, in situations where it is neither reasonable nor feasible to treat the categories differently in responding to their needs for assistance and protection;
- (h) *Recognizes* that actions by the international community, in consultation and coordination with the concerned State, on behalf of the internally displaced may contribute to the easing of tensions and the resolution of problems resulting in displacement, and constitute important components of a comprehensive approach to the prevention and solution of refugee problems;
- (i) *Calls* on the Governments concerned to ensure safe and timely humanitarian access to persons in need of protection and assistance, including the internally displaced and victims of armed conflict, as well as refugees within their territories;
- (j) *Recognizes* that resolution 48/116, adopted by the United Nations General Assembly on 20 December 1993, which reaffirmed support for the High Commissioner's efforts, "on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, and taking into account the complementarities of mandates and expertise of other relevant organizations, in providing humanitarian assistance and protection to persons displaced within their own country in situations calling for the Office's particular expertise, especially where such efforts could contribute to the prevention or solution of refugee problems", continues to provide an appropriate framework for the involvement of the High Commissioner in situations of internal displacement;
- (k) *Encourages* the High Commissioner to continue the efforts of her Office to put into action its internal criteria and guidelines for UNHCR involvement in situations of internal displacement, as an important contribution towards a more concerted response by the international community to the needs of the internally displaced;
- (l) *Emphasizes* that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;
- (m) *Recognizes* that international human rights law, international humanitarian law, and, in many cases, national laws include norms providing for the security and protection of the internally displaced as well as those at risk of displacement, and expressed serious concern at the failure of parties involved to respect these norms;
- (n) *Acknowledges* the importance of the work of the Representative of the Secretary-General for Internally Displaced Persons and, in particular, his efforts to compile existing international standards in respect of the treatment of the internally displaced, and to develop a code of conduct comprising guiding principles in this regard;
- (o) *Calls* on UNHCR to continue its close cooperation with the Representative of the Secretary-General in the fulfilment of his mandate;
- (p) *Further acknowledges* the essential role of the International Committee of the Red Cross in disseminating international humanitarian law and in providing protection and humanitarian assistance to those displaced by armed conflict;
- (q) *Calls* for the strengthening of efforts in the training and dissemination of international human rights law and international humanitarian law and for the joint promotion, by organizations and agencies concerned, of the implementation of these international standards;

(r) *Considers* that, in addressing the problem of internal displacement, the international community should seek to collaborate to the maximum possible extent with existing humanitarian organizations, including non-governmental organizations, with relevant expertise;

(s) *Encourages* UNHCR to continue its efforts, under the leadership of the Emergency Relief Coordinator, and in cooperation with other agencies concerned, to reinforce and structure coordination through existing interagency mechanisms, notably the Interagency Standing Committee, in order to improve the response by the international community to the plight of the internally displaced, and stresses the importance in this connection of strengthening mechanisms for the sharing of information;

(t) *Urges* that discussions on interagency aspects of internal displacement be pursued actively in other appropriate forums so as to ensure a comprehensive and coherent approach by the international community to the problem of internally displaced persons.

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Bearing in mind* Conclusion No. 75 (XLV) on internally displaced persons and *noting* that the protection challenges for internally displaced persons (IDPs) and refugees may differ, that the normative legal frameworks for their protection are different, that humanitarian access to internally displaced persons can be more difficult, that internally displaced women and girls are more likely to be caught in armed conflict and may face specific protection risks as a result and that the responses and solutions available to refugee and internally displaced women and girls may be different,

#### **No. 108 (LIX) – 2008**

##### Internal displacement

(r) *Recalls* Conclusions No. 75 (XLV) and No. 87 (L) on internally displaced persons; *takes note* of resolution 53/125 adopted by the United Nations General Assembly in December 1998; *acknowledges* that UNHCR is a partner in the humanitarian reform efforts and has a leading role in the emergency shelter, protection and camp coordination clusters; and *further notes* that the primary responsibility for the welfare and protection of IDPs lies with the State concerned; *reiterates* the relevance of the Guiding Principles on Internal Displacement and *reaffirms* its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly, which includes not undermining the mandate of the Office for refugees and the institution of asylum;

#### **High Commissioner's Role and Mandate**

*The Executive Committee,*

#### **No. 68 (XLIII) – 1992**

(o) *Takes note* of the fact that UNHCR's broad humanitarian expertise and experience have proved to be an appropriate basis for the Office to explore new options or undertake new protection activities, in specific situations, in the areas of asylum, prevention and solutions, consistent with requests to it, where required, with the fundamental protection principles, and with its mandate, and in coordination with other United Nations organs;

(q) *Supports* also efforts of the High Commissioner, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, to undertake activities in favour of internally displaced persons, taking into account the complementarities of mandates and expertise of other relevant organizations;

**No. 71 (XLIV) – 1993**

(d) *Recognizes* the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems, the exercise of which has become increasingly difficult owing to the increasing numbers of persons in need of protection and the growing complexity of the problems of coerced displacement;

(s) *Recalls* paragraph 14 of General Assembly resolution 47/105 and, in this connection, reaffirms its support for the High Commissioner's activities, on the basis of requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the concerned State, in providing humanitarian assistance and protection to internally displaced persons in specific situations which call for the Office's particular expertise, and notes the establishment by the High Commissioner of criteria for responding to requests to her Office for involvement in such activities, with due regard to the complementary mandates and specific expertise of other relevant organizations as well as the availability of sufficient resources;

(t) *Requests* the High Commissioner, in pursuance of the need for the international community to explore methods and means to address better within the United Nations system the protection and assistance needs of internally displaced persons, to promote further consultations on this priority issue with the Department of Humanitarian Affairs (DHA) and the Special Representative of the Secretary-General on Internally Displaced Persons, and with other appropriate international organizations and bodies including the International Committee of the Red Cross, and to report on the results of these discussions to the Sub-Committee of the Whole on International Protection and, as appropriate, the Sub-Committee on Administrative and Financial Matters;

**No. 74 (XLV) – 1994**

(q) *Encourages* the High Commissioner to continue to promote international cooperation in providing international protection to all who require it, and to engage in further consultations and discussions concerning measures to achieve this objective, which might involve the elaboration of guiding principles, including for concerted action;

(dd) *Reiterates* its support for the High Commissioner's activities for internally displaced persons in accordance with General Assembly resolution 48/116 (1993) and expresses its appreciation for the detailed and productive discussions that have been held within the Sub-Committee of the Whole on International Protection and in other fora concerning ways in which the international community can better address the protection and assistance needs of the displaced;

**No. 77 (XLVII) – 1995**

(f) *Recalls* its conclusion 74 (XLV), which encouraged the High Commissioner to engage in consultations and discussions concerning measures to ensure international protection to all who need it; and reiterates its support for UNHCR's role in exploring the development of guiding principles to this end, consistent with fundamental protection principles reflected in international instruments, and calls on UNHCR to organize informal consultations on this subject;

**No. 79 (XLVII) – 1996**

(m) *Recalls* its conclusion 77 (XLVI), which encouraged the High Commissioner to engage in consultations and discussions concerning measures to ensure international protection to all who need it and called on UNHCR to organize informal consultations on this subject; supports UNHCR's activities to date in respect of such consultations and discussions; and encourages UNHCR to continue this process, keeping the Executive Committee informed;

**No. 80 (XLVII) – 1996**

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

*Noting* that the prevention of and response to such situations may be beyond UNHCR's mandate and capacity,

*Further noting* that internally displaced persons remain within the territorial jurisdiction of their own countries and that the primary responsibility for their welfare and protection lies with the State concerned,

**No. 87 (L) –1999**

(t) *Recalls* Conclusion No. 75 (XLV) on internally displaced persons; takes note of resolution 53/125 adopted by the United Nations General Assembly in December 1998; reiterates the relevance of the Guiding Principles on Internal Displacement,[1] and reaffirms its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly.

**No. 102 (LVI) – 2005**

(x) *Notes with interest* the results of the Humanitarian Response Review and *welcomes* the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; *takes note* also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; *encourages* UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons' protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; *looks forward* to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications;

**No. 108 (LIX) – 2008**

Internal displacement

(r) *Recalls* Conclusions No. 75 (XLV) and No. 87 (L) on internally displaced persons; *takes note* of resolution 53/125 adopted by the United Nations General Assembly in December 1998; *acknowledges* that UNHCR is a partner in the humanitarian reform efforts and has a leading role in the emergency shelter, protection and camp coordination clusters; and *further notes* that the primary responsibility for the welfare and protection of IDPs lies with the State concerned; *reiterates* the relevance of the Guiding Principles on Internal Displacement and *reaffirms* its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly, which includes not undermining the mandate of the Office for refugees and the institution of asylum;

(s) *Takes note* of UNHCR's role in the context of inter-agency arrangements for the protection of internally displaced persons based on the principles of predictability and accountability developed under the United Nations humanitarian reform process;

## New Approaches

*The Executive Committee,*

### No. 68 (XLIII) – 1992

(r) *Recognizes*, in this regard, that new approaches should not undermine the institution of asylum, as well as other basic protection principles, notably the principle of *non-refoulement*;

### No. 71 (XLIV) – 1993

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

### No. 74 (XLV) – 1994

(o) *Recognizes* the desirability of exploring further measures to ensure international protection to all who need it;

### No. 102 (LVI) – 2005

(x) *Notes with interest* the results of the Humanitarian Response Review and *welcomes* the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; *takes note* also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; *encourages* UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons' protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; *looks forward* to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications;

### No. 105 (LVII) – 2006 – Women and Girls at Risk

#### Preventive strategies

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

(p) Recommended longer-term responses and solutions include partnerships and actions to:

iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;

iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;

**No. 108 (LIX) – 2008**

Internal displacement

(t) *Takes note* of the inter-agency “Handbook for the Protection of IDPs” and the “Protection of Conflict-induced IDPs: Assessment for Action Framework”; and *invites* concerned States, agencies, non-governmental organizations and other relevant actors to make use of these tools, as appropriate, as common standards and frameworks for their actions in providing for the protection of internally displaced persons and affected populations;

(u) *Notes* UNHCR’s consideration of the Principles of Partnership developed by the Global Humanitarian Platform;



## **INTERNATIONAL PROTECTION**

*The Executive Committee,*

**No. 11 (XXIX) – 1978**

(a) *Reiterated* the fundamental importance of international protection, welcomed the action taken by the High Commissioner and the progress achieved in this field since the Committee's twenty-eighth session and recognized the need for efforts to be continued and further intensified;

**No. 14 (XXX) – 1979**

(a) *Reiterated* the fundamental importance of the international protection function exercised by the United Nations High Commissioner for Refugees and of the principles established in this field which are not subject to any derogation;

**No. 21 (XXXII) – 1981**

(a) *Reiterated* the fundamental importance of international protection as the primary task entrusted to the High Commissioner under the Statute of his Office and noted with satisfaction the progress achieved in this field since the Committee's thirty-first session;

**No. 25 (XXXIII) – 1982**

(a) *Reiterated* the fundamental importance of international protection as a primary task entrusted to the High Commissioner under the Statute of his Office;

**No. 29 (XXXIV) – 1983**

(a) *Reaffirmed* the fundamental importance of the High Commissioner's international protection function;

**No. 33 (XXXV) – 1984**

(a) *Noted* that while progress had been achieved in the field of international protection since the Committee's thirty-fourth session, the exercise of the High Commissioner's international protection function had become increasingly complex and difficult due to changes in the nature and scope of refugee problems and the emergence of restrictive trends in different areas of the world;

**No. 36 (XXXVI) – 1985**

(a) *Recognized* the crucial importance of the High Commissioner's international protection function, the exercise of which had become increasingly difficult due to the growing complexity of present-day refugee problems;

**No. 41 (XXXVII) – 1986**

(a) *Recognized* that the exercise of the High Commissioner's international protection function had become increasingly complex due to the growing number and changing composition of current movements of refugees and asylum-seekers;

**No. 46 (XXXVIII) – 1987**

(a) *Recognized* that the increasing complexity of the present day refugee problems throughout the world underlines the fundamental importance of the High Commissioner's protection function, his primary task;

**No. 50 (XXXIX) – 1988**

(a) *Reiterated* the primordial nature and fundamental importance of the High Commissioner's protection responsibilities;

**No. 55 (XL) – 1989**

(a) *Reiterated* the primary nature and fundamental importance of the High Commissioner's protection responsibilities;

**No. 61 (XLI) – 1990**

(a) *Reaffirms* the central and basic character of the High Commissioner's international protection function;

**No. 65 (XLII) – 1991**

(a) *Notes*, with concern, the persistent and complex dimension of today's refugee problems and observed that, although significant progress has been made over the past forty years in resolving these problems, the protection of refugees remains an ongoing, difficult challenge in need of solution-oriented approaches;

**No. 68 (XLIII) – 1992**

(a) *Reaffirms* the primary nature of the High Commissioner's protection responsibilities which are performed as a non-political, humanitarian and social function within the framework of international refugee law and applicable regional instruments, with due regard for human rights and humanitarian law, and which necessitate cooperation with UNHCR, as well as among and between States in accordance with the United Nations Charter, on a basis of international responsibilities, solidarity and burden-sharing;

**No. 71 (XLIV) – 1993**

(d) *Recognizes* the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems, the exercise of which has become increasingly difficult owing to the increasing numbers of persons in need of protection and the growing complexity of the problems of coerced displacement;

**No. 74 (XLV) – 1994**

(b) *Remains* gravely preoccupied by the scale and complexity of current refugee problems, which have made more difficult the accomplishment of the High Commissioner's crucial functions of ensuring international protection for refugees and achieving timely and durable solutions to their plight;

**No. 77 (XLVI) – 1995**

(b) *Notes* that the search for solutions to refugee problems is an integral part of the High Commissioner's mandate for international protection, and that identifying and implementing

solutions to the problems of refugees requires the constant support of the international community in order that the will and capacity of individual States are reinforced in this common pursuit;

**No. 79 (XLVII) – 1996**

(a) *Recognizes* that the complexity of current refugee problems underlines both the fundamental importance of the High Commissioner's primary function of international protection and the difficulties inherent in the exercise of this function;

**No. 81 (XLVIII) – 1997**

(c) *Reiterates* the fundamental importance of the international protection of refugees, as well as the mandated role of UNHCR in this regard, and acknowledges with appreciation the contribution made by the High Commissioner, in cooperation with States and concerned agencies, to promote the protection of refugees and to facilitate lasting solutions; acknowledges also the efforts of the High Commissioner, working together with other humanitarian and development organizations, as well as with States, to contribute to the resolution of refugee crises and to address their root causes;

(d) *Emphasizes* that refugee protection is primarily the responsibility of States, and that UNHCR's mandated role in this regard cannot substitute for effective action, political will, and full cooperation on the part of States, including host States and countries of origin, as well as other international organizations, and the international community as a whole;

**No. 82 (XLVIII) – 1997**

(a) *Recalls* the fundamental importance of the High Commissioner's international protection function;

**No. 85 (XLIX) – 1998**

(d) *Reiterates* that refugee protection is primarily the responsibility of States and that it is best achieved through effective cooperation between all States and UNHCR, as well as other international organizations and pertinent actors, in a spirit of international solidarity and burden-sharing;

**No. 89 (LI) – 2000**

*Recognizing* that international protection is a dynamic and action-oriented function, carried out, in co-operation with States and other partners, to promote and facilitate admission, reception, treatment of refugees and to ensure protection-oriented solutions, towards the overall goal of enhancing respect for the rights of refugees and resolving their problems;

*Taking note* of complex features of the evolving environment in which refugee protection has to be provided, including the nature of armed conflict and current patterns of displacement, mixed population flows, the high costs of hosting large numbers of refugees and asylum-seekers and of maintaining asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

**No. 92 (LIII) – 2002**

*Welcoming* the contribution of the Global Consultations on International Protection to strengthening the international framework for refugee protection and to equip States better to address the challenges in a spirit of dialogue and cooperation,

**No. 95 (LIV) – 2003**

(a) *Welcomes* this year's Note on International Protection<sup>[1]</sup> which focuses on the operational, legal and policy, as well as promotional tools of protection; *notes* with concern the manifold protection problems and challenges identified by the Note, while appreciating the range of field initiatives undertaken by UNHCR, in cooperation with States, to operationalise protection;

(b) *Recognizes* that international protection is both a legal concept and at the same time very much an action-oriented function, directly benefiting millions of refugees and others of concern to UNHCR.

(m) *Encourages* UNHCR and States jointly to examine how to enhance discussion on protection issues and challenges primarily within the Standing Committee framework, as well as in relevant regional fora, as appropriate;

(n) *Recalls* its Conclusion No. 92 (LIII) endorsing the Agenda for Protection as a statement of goals and objectives as well as an important inventory of recommended actions to reinforce the international refugee protection regime, guiding action by States and UNHCR, together with other United Nations organizations, and other inter-governmental as well as non-governmental organizations; and welcomes in this context the updates<sup>[2]</sup> provided by UNHCR and by some States on implementation of the Agenda for Protection and UNHCR's follow-up actions to date;

[1] A/AC.96/975.

[2] EC/53/SC/CRP.10.

**No. 99 (LV) – 2004**

(i) *Acknowledges* the increasing complexities of the environment in which international protection is provided and the many challenges faced by States and by UNHCR in ensuring and providing protection for refugees and other persons of concern;

**No. 100 (LV) – 2004**

*Reaffirming* that access to asylum and the meeting by all States of their international protection obligations should not be dependent on burden and responsibility sharing arrangements first being in place, particularly because respect for human rights and humanitarian principles is a responsibility for all members of the international community,

**No. 102 (LVI) – 2005**

(t) *Reaffirms* the importance of timely and adequate assistance and protection for refugees; that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection; *notes* the importance of a rights and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food, and other forms of material assistance; and *expresses concern* in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken;

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

*Recognizing* that, in different contexts, there may be a need for international protection in cases not addressed by the 1951 Convention and its 1967 Protocol; and *recalling in this regard* paragraph (l) of its Conclusion No. 74 (XLV),

*Underlining* the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

*Acknowledging* that in many countries a number of administrative or legislative mechanisms are in place for regularizing, on a variety of grounds, the stay of persons, including those who may not be eligible for refugee protection but who may be in need of international protection,

*Noting* the value of establishing general principles upon which complementary forms of protection for those in need of international protection may be based, on the persons who might benefit from it, and on the compatibility of these forms of protection with the 1951 Convention and its 1967 Protocol and other relevant international and regional instruments,

(f) *Calls on* States to make maximum use of existing protection instruments when addressing international protection needs; and *encourages* States that have not already done so to consider accession to the 1951 Convention and the 1967 Protocol and to relevant, applicable regional instruments and/or to consider lifting existing limitations or withdrawing reservations in order to ensure the widest possible application of the protection principles they contain;

(h) *Acknowledges* that complementary forms of protection provided by States to ensure that persons in need of international protection actually receive it are a positive way of responding pragmatically to certain international protection needs;

(i) *Encourages* the use of complementary forms of protection for individuals in need of international protection who do not meet the refugee definition under the 1951 Convention or the 1967 Protocol;

(j) *Realizes* that States may decide to allow prolonged stay for compassionate or practical reasons; and *recognizes* that such cases must be clearly distinguished from cases where there are international protection needs;

(k) *Affirms* that measures to provide complementary protection should be implemented in a manner that strengthens, rather than undermines, the existing international refugee protection regime;

(l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;

(q) *Encourages* States to consider whether it may be appropriate to establish a comprehensive procedure before a central expert authority making a single decision which allows the assessment of refugee status followed by other international protection needs, as a means of assessing all international protection needs without undermining refugee protection and while recognizing the need for a flexible approach to the procedures applied;

(s) *Underlines* the importance of applying and developing the international refugee protection system in a way which avoids protection gaps and enables all those in need of international protection to find and enjoy it.

**No. 104 (LVI) – 2005 – Local Integration**

*Recalling* that the ultimate goal of international protection is to achieve durable solutions for refugees; and *noting* that a solutions orientation is inherent in General Assembly Resolution 428 (V) of 14 December 1950 adopting the Statute of the Office of the United Nations High Commissioner for Refugees, in the Statute itself, and in the 1951 Convention through its provisions on cessation, integration and naturalization,

**No. 108 (LIX) – 2008**

(e) *Welcomes* the discussions in the High Commissioner’s Dialogue on Protection Challenges in December 2007, and *affirms* the mandated role of UNHCR in the identification of refugees and other persons of concern to the Office in mixed migratory movements with a view to meeting their international protection needs; *recognizes* the importance of enhanced cooperation among States, UNHCR, international agencies, including the International Organization for Migration, and other relevant actors, to address the complex problems arising in the context of mixed migratory movements including people smuggling and trafficking in persons;

## **IRREGULAR MOVEMENT OF REFUGEES AND ASYLUM- SEEKERS FROM A COUNTRY IN WHICH THEY HAD ALREADY FOUND PROTECTION**

*The Executive Committee,*

### **No. 36 (XXXVI) – 1985**

(j) *Noted* with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and expressed the hope that the problem this represents can be mitigated through the adoption of global solutions in a spirit of international co-operation and burden-sharing, and requested the High Commissioner to continue consultations with a view to reaching agreement on this matter;

### **No. 46 (XXXVIII) – 1987**

(h) *Noted* with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and called upon the High Commissioner to implement paragraph (j) of Conclusion 36(XXXVI);

(i) *Noted* with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and called upon the High Commissioner to implement paragraph (j) of Conclusion 36 (XXXVI);

### **No. 50 (XXXIX) – 1988**

(n) *Noted* with concern the growing phenomenon of refugees and asylum-seekers who, having found protection in one country, move in an irregular manner to another country and called upon the High Commissioner to implement paragraph (j) of Conclusion 36 (XXXVI).

### **No. 58 (XL) – 1989 – Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection**

(a) The phenomenon of refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, is a matter of growing concern. This concern results from the destabilizing effect which irregular movements of this kind have on structured international efforts to provide appropriate solutions for refugees. Such irregular movements involve entry into the territory of another country, without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation. Of similar concern is the growing phenomenon of refugees and asylum-seekers who wilfully destroy or dispose of their documentation in order to mislead the authorities of the country of arrival;

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

(c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

(i) identifying the causes and scope of irregular movements in any given refugee situation,

- (ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures,
  - (iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned and,
  - (iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;
- (d) Within this framework, governments, in close co-operation with UNHCR, should
- (i) seek to promote the establishment of appropriate measures for the care and support of refugees and asylum-seekers in countries where they have found protection pending the identification of a durable solution and
  - (ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement opportunities;
- (e) Refugees and asylum-seekers, who have found protection in a particular country, should normally not move from that country in an irregular manner in order to find durable solutions elsewhere but should take advantage of durable solutions available in that country through action taken by governments and UNHCR as recommended in paragraphs (c) and (d) above;
- (f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if
- (i) they are protected there against *refoulement* and
  - (ii) they are permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them. Where such return is envisaged, UNHCR may be requested to assist in arrangements for the re-admission and reception of the persons concerned;
- (g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously found protection. Such cases should be given favourable consideration by the authorities of the State where he requests asylum;
- (h) The problem of irregular movements is compounded by the use, by a growing number of refugees and asylum-seekers, of fraudulent documentation and their practice of wilfully destroying or disposing of travel and/or other documents in order to mislead the authorities of their country of arrival. These practices complicate the personal identification of the person concerned and the determination of the country where he stayed prior to arrival, and the nature and duration of his stay in such a country. Practices of this kind are fraudulent and may weaken the case of the person concerned;
- (i) It is recognized that circumstances may compel a refugee or asylum-seeker to have recourse to fraudulent documentation when leaving a country in which his physical safety or freedom are endangered. Where no such compelling circumstances exist, the use of fraudulent documentation is unjustified;



(j) The wilful destruction or disposal of travel or other documents by refugees and asylum-seekers upon arrival in their country of destination, in order to mislead the national authorities as to their previous stay in another country where they have protection, is unacceptable. Appropriate arrangements should be made by States, either individually or in co-operation with other States, to deal with this growing phenomenon.

**No. 65 (XLII) – 1991**

(o) *Recognizes* that the establishment of and access of all asylum-seekers to fair and efficient procedures are important elements in a coherent international strategy for the management and resolution of refugee situations and *recalls* in this connection Conclusion No. 8 (XXVIII) on Determination of Refugee Status, Conclusion No. 15 (XXX) on Refugees without an Asylum Country, Conclusion No. 30 (XXXIV) on the Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum and Conclusion No. 58 (XL) concerning the Problem of Refugees and Asylum-Seekers who Move in an Irregular Manner from a Country in which They Had Already Found Protection;

**No. 85 (XLIX) – 1998**

(aa) *Stresses* that, as regards the return to a third country of an asylum-seeker whose claim has yet to be determined from the territory of the country where the claim has been submitted, including pursuant to bilateral or multilateral readmission agreements, it should be established that the third country will treat the asylum-seeker (asylum-seekers) in accordance with accepted international standards, will ensure effective protection against *refoulement*, and will provide the asylum-seeker (asylum-seekers) with the possibility to seek and enjoy asylum;

**No. 87 (L) – 1999**

Access to protection

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; *re-emphasizes* the importance of ensuring access to asylum procedures; *recalls* Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and *affirms*, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

(l) *Reaffirms* Conclusion No. 58 (XL) on irregular movements; notes with concern that refugees who have already found and continue to enjoy protection in a first country of asylum continue to move in an irregular manner to other countries on a significant scale; and encourages UNHCR, States and other relevant actors to enhance cooperation to address the causes of such movements, in particular with a view to ensuring treatment of asylum-seekers and refugees in accordance with the highest possible standards of protection in first countries of asylum, and to creating awareness as to the risks and dangers linked to irregular movements, notably exploitation by traffickers; and further encourages UNHCR to work with transit and destination countries to ensure that the protection and assistance needs of such asylum-seekers and refugees are met;

**No. 91 (LII) – 2001**

(f) *Recognizes* the confidential nature of personal data and the need to continue to protect confidentiality; also recognizes that the appropriate sharing of some personal data in line with data protection principles can assist States to combat fraud, to address irregular movements of refugees and asylum-seekers, and to identify those not entitled to international protection under the 1951 Convention and/or 1967 Protocol;

**No. 99 (LV) – 2004**

(w) *Encourages* States, UNHCR and other relevant actors to continue their work in developing other strands of the Convention Plus initiative, including those relating to development assistance and to irregular secondary movements of refugees and asylum-seekers;

## LOCAL INTEGRATION

### Conclusion Specific to Local Integration

#### No. 104 (LVI) – 2005 – Local Integration

*Reaffirming* that voluntary repatriation, local integration and resettlement are the traditional durable solutions, and that all remain viable and important responses to refugee situations; *reiterating* that voluntary repatriation, in safety and dignity, where and when feasible, remains the most preferred solution in the majority of refugee situations; *noting* that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions; and *agreeing* that local integration is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles, and that the provisions of this Conclusion are for the guidance of States and UNHCR when local integration is to be considered,

*Recalling* the Agenda for Protection Goal 5, Objective 4 requesting the Executive Committee to set out framework considerations for implementing the solution of local integration in the form of a Conclusion; and *noting* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration, taking into account the specific circumstances of each refugee situation, may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it,

*Recalling* that the ultimate goal of international protection is to achieve durable solutions for refugees; and *noting* that a solutions orientation is inherent in General Assembly Resolution 428 (V) of 14 December 1950 adopting the Statute of the Office of the United Nations High Commissioner for Refugees, in the Statute itself, and in the 1951 Convention through its provisions on cessation, integration and naturalization,

*Considering* that refugee situations are international in scope and nature and therefore *reiterating* its strong commitment to international solidarity and burden and responsibility sharing; and *reaffirming* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries and countries with economies in transition, and in mobilizing financial assistance and other forms of support, including development assistance from the international community to address the impact of large-scale refugee populations,

*Acknowledging* that the global refugee situation represents an international challenge requiring international burden and responsibility sharing to be addressed effectively; and, *recognizing* that allowing for local integration, where applicable, is an act of States which is a durable solution for refugees that contributes to that burden and responsibility sharing, without prejudice to the specific situation of certain developing countries facing mass influxes,

*Reiterating* that coordinated national and international efforts aimed at addressing the factors that lead to the flow of refugees should continue,

*Expressing* appreciation for the efforts made in recent years to redouble the search for durable solutions in the context of the Global Consultations on International Protection and of the Agenda for Protection, which fostered, *inter alia*, the Convention Plus initiative and the Framework for Durable Solutions,

*Recognizing* that some countries of asylum carry a heavy burden, in particular developing countries, countries with economies in transition and least developed countries which host large numbers of refugees and asylum-seekers, especially when they have arrived as part of a mass influx and have remained for a long period of time,

*Noting* that local integration in the refugee context is a dynamic and multifaceted two-way process, which requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population,

*Recognizing* that local integration needs to be undertaken in a manner that sustains the viability of local communities affected by the presence of refugees and that a failure to do so may result in an unreasonable burden being placed on host countries,

*Affirming* the value of strengthening capacities in host countries as well as of initiatives enhancing the ability of refugee communities to become self-reliant, as and when appropriate, with adequate support from the international community for the host country and the refugees living there,

*Recognizing* that promoting the self-reliance of refugees from the outset will contribute towards enhancing their protection and dignity, help refugees manage their time spent in exile effectively and constructively, decrease dependency and enhance the sustainability of any future durable solution,

*Recognizing* the positive contributions, including economic benefits, which refugees who integrate locally or who are allowed to become self-reliant could make to host countries and communities,

*Recalling* Executive Committee Conclusion No. 15, that decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion or membership of a particular social group, nationality or country of origin; and *acknowledging* in this context that integration potential should not be a criterion for granting asylum,

(a) *Recognizes* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it;

(b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;

(c) *Encourages* States, UNHCR and other relevant actors to engage in consultations to develop, as early on as possible in a refugee situation, comprehensive arrangements that draw upon appropriate solutions, including through a combination of solutions, and which recognize the challenges involved with the timing and sequencing of solutions; and *emphasizes* the important place which local integration can have in such comprehensive arrangements;

(d) *Notes* that the 1951 Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration; recognizes the need for State Parties to implement their obligations under these instruments fully and effectively; and therefore *encourages* State Parties maintaining reservations to consider withdrawing them; and *calls on* States to facilitate, as appropriate, the integration of refugees, including, as far as possible, through facilitating their naturalization;

(e) *Encourages* States, UNHCR and other relevant actors when preparing comprehensive arrangements to consider the characteristics of individuals and groups of refugees within a broader refugee population who could benefit from voluntary repatriation, local integration or resettlement;

(f) *Urges* States and UNHCR to continue working proactively on local integration where appropriate and feasible and in a manner that takes into account the needs and views of both refugees and their hosting communities;

(g) *Notes* that the criteria for identifying refugees who could benefit from local integration should be clear and objective and be applied in a non-discriminatory manner;

(h) *Reaffirms* the importance, in this respect, of registration, or ad hoc surveys where these take place, as a means of facilitating the implementation of appropriate durable solutions; and *encourages* States and UNHCR to utilize the registration data of refugees in this process, in a manner that fully respects international norms and standards regarding the protection of personal data;

(i) *Notes* that characteristics which may assist in determining circumstances in which local integration can be an appropriate durable solution could include, subject to States' consideration:

- i. refugees born in asylum countries who might otherwise become stateless; and/or
- ii. refugees who, due to their personal circumstances including the reasons prompting their flight, are unlikely to be able to repatriate to their country of origin in the foreseeable future; and/or
- iii. refugees who have established close family, social, cultural and economic links with their country of asylum, including those who already have, or have the capacity to attain, a considerable degree of socio-economic integration.

(j) *Welcomes* the practice in States with developed asylum systems of allowing refugees to integrate locally; and *calls on* these States to continue supporting refugees' ability to attain this durable solution through the timely grant of a secure legal status and residency rights, and/or to facilitate naturalization;

(k) *Acknowledges* that the process of local integration is complex and gradual, comprising three distinct but inter-related legal, economic, and social and cultural dimensions, all of which are important for refugees' ability to integrate successfully as fully included members of society; and *notes* that refugees' understanding of these dimensions may need to be facilitated through proper counselling and advice;

(l) *Affirms* the particular importance of the legal dimension of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing, and in this respect:

- i. *recognizes* the relevance of the 1951 Convention and its 1967 Protocol and relevant human rights instruments as providing a useful legal framework for guiding the local integration process;
- ii. *recognizes* further that in support of the legal process, host countries may need technical and financial support to adapt and revise their national legal and administrative frameworks to allow refugees equal enjoyment of rights, services and programmes without discrimination;

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

- i. *recognizes* that the protection, in all States, of basic civil, economic and social rights, including freedom of movement and the right to engage in income-generating activities is essential to the achievement of self-reliance of refugees;
- ii. *encourages* all States hosting refugees to consider ways in which refugee employment and active participation in the economic life of the host country can be facilitated, *inter alia*, through education and skills development, and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment; and in this regard, *affirms* the relevance of the 1951 Convention in providing a framework for the creation of conditions conducive to the self-reliance of refugees;
- iii. *encourages* States, wherever possible, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country;
- iv. *notes* that facilitating refugees' access to agricultural land in rural areas where appropriate and when feasible is a positive contribution by all States, which can help foster opportunities for self-reliance and enhance the food security of refugees and the local population;

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

- i. *encourages* the implementation of anti-discrimination policies and awareness-raising activities aimed at combating institutionalized discrimination and at promoting the positive aspects of a diverse society and interaction between refugees, the local population, civil society and refugee organizations;
- ii. *urges* States and all relevant actors to combat intolerance, racism and xenophobia, including obstacles faced by refugee women, and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees with the aim of allowing refugees to participate actively in the civic, economic, and social and cultural life of the host country;
- iii. *recognizes* the link between education and durable solutions; and *calls on* States, UNHCR and relevant actors to strengthen their efforts to assist host countries in ensuring refugee children's access to education;
- iv. *reaffirms* the importance of family unity and reunification as referred to in its Conclusions Nos. 9, 24, 84, and 88; and *recognizes* that family members can reinforce the social support system of refugees, and in so doing, promote the smoother and more rapid integration of refugee families;

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

(p) *Encourages* UNHCR to develop and apply appropriate standards and indicators that account for age and gender considerations in local integration and self-reliance programs;

(q) *Acknowledges* that, regardless of whether local integration takes place in an industrialized or a developing State, it requires the host State to take the lead role, as well as the sustained commitment of all stakeholders of the necessary time and resources; and *recognizes* the important role which members of civil society, including non-governmental organizations, can play in fostering an environment conducive to local integration;

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

(s) *Stresses* the importance of including refugee hosting areas in national development plans and strategies of the host country for sustainable funding; *notes* the relevance, in this respect, of the common country assessments (CCA) and United Nations Development Assistance Frameworks (UNDAF), as well as Poverty Reduction Strategy Papers (PRSP); and *notes* the value of the Development through Local Integration (DLI) integrated programming approach as a methodology for partnerships with donor countries, financial institutions and with United Nations and other development agencies.

## General

*The Executive Committee,*

### **No. 29 (XXXIV) – 1983**

(1) *Recognized* the essential need for the exercise of the High Commissioner's international protection function to be facilitated by the co-operation of Governments in granting asylum, in providing the durable solutions of resettlement and local integration and in creating conditions favourable to and promoting voluntary repatriation, which, whenever appropriate and feasible, is the most desirable durable solution for refugee problems; such co-operation should also include fostering in public opinion a deeper understanding of the special needs of refugees and asylum-seekers;

### **No. 50 (XXXIX) – 1988**

(e) *Noted* the close nexus between international refugee protection and durable solutions and called upon the High Commissioner to continue his efforts to provide international protection through voluntary repatriation, local integration in countries of first asylum or resettlement in third countries;

### **No. 58 (XL) – 1989**

(b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

(d) Within this framework, governments, in close co-operation with UNHCR, should:

(ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement opportunities;

**No. 79 (XLVII) – 1996**

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;

**No. 81 (XLVIII) – 1997**

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees; affirms that voluntary repatriation of refugees is the most preferred solution, when feasible; and calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

**No. 85 (XLIX) – 1998**

(gg) *Recalls* Conclusion No. 62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;

**No. 87 (L) – 1999**

(r) *Reaffirms* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

**No. 89 (LI) – 2000**

*Recognizing* the positive contributions that refugees make to host countries;

*Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found; and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, affirming that voluntary repatriation is the preferred solution, when feasible;

**No. 90 (LII) – 2001**

(e) *Recognizes* the positive contributions that refugees make to host countries;

(j) *Emphasizes* that the ultimate goal of international protection is to achieve a durable solution for refugees and *commends* States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;

(l) *Acknowledges* that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the



*International Conference on the Reception and Integration of Resettled Refugees* convened in Norrköping, Sweden, from 25 to 27 April 2001;<sup>[1]</sup>

(m) *Encourages* initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;

[1] See EC/51/SC/INF.4., Annex.

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 94 (LIII) – 2002**

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

**No. 95 (LIV) – 2003**

(i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;

**No. 99 (LV) – 2004**

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(y) *Encourages* States and UNHCR, in consultation with other relevant actors, in considering local integration, where appropriate and when feasible, to use and take into account the profiles of groups of refugees within a broader refugee population bearing in mind the differing capacities of the refugee population, or segments thereof, and the States hosting them;

**No. 100 (LV) – 2004**

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;

**No. 101 (LV) – 2004**

*Reaffirming* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterating that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and noting that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions,

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Individual responses and solutions

(p) Recommended longer-term responses and solutions include partnerships and actions to:

iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

## MASS MOVEMENTS / MASS INFLUX

### Conclusions Specific to Mass Movements / Mass Influx

*The Executive Committee,*

**No. 15 (XXX) – 1979**

#### Situations Involving a Large-Scale Influx of Asylum-Seekers

(f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;

(g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the first asylum country is equitably shared;

**No. 22 (XXXII) – 1981 – Protection of Asylum-Seekers in Situations of Large-Scale Influx**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### I. General

1. The refugee problem has become particularly acute due to the increasing number of large-scale influx situations in different areas of the world and especially in developing countries. The asylum seekers forming part of these large-scale influxes include persons who are refugees within the meaning of the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees or who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of, or the whole of their country of origin or nationality are compelled to seek refuge outside that country.

2. Asylum seekers forming part of such large-scale influx situations are often confronted with difficulties in finding durable solutions by way of voluntary repatriation, local settlement or resettlement in a third country. Large-scale influxes frequently create serious problems for States, with the result that certain States, although committed to obtaining durable solutions, have only found it possible to admit asylum seekers without undertaking at the time of admission to provide permanent settlement of such persons within their borders.

3. It is therefore imperative to ensure that asylum seekers are fully protected in large-scale influx situations, to reaffirm the basic minimum standards for their treatment pending arrangements for a durable solution, and to establish effective arrangements in the context of international solidarity and burden-sharing for assisting countries which receive large numbers of asylum seekers.

## II. Measures of protection

### A. Admission and *non-refoulement*

1. In situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them at least on a temporary basis and provide them with protection according to the principles set out below. They should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.
2. In all cases the fundamental principle of *non-refoulement* including non-rejection at the frontier-must be scrupulously observed.

### B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

1. Article 31 of the 1951 United Nations Convention relating to the Status of Refugees contains provisions regarding the treatment of refugees who have entered a country without authorization and whose situation in that country has not yet been regularized. The standards defined in this Article do not, however, cover all aspects of the treatment of asylum seekers in large-scale influx situations.
2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:
  - (a) they should not be penalized or exposed to any unfavourable treatment solely on the ground that their presence in the country is considered unlawful; they should not be subjected to restrictions on their movements other than those which are necessary in the interest of public health and public order;
  - (b) they should enjoy the fundamental civil rights internationally recognized, in particular those set out in the Universal Declaration of Human Rights;
  - (c) they should receive all necessary assistance and be provided with the basic necessities of life including food, shelter and basic sanitary and health facilities; in this respect the international community should conform with the principles of international solidarity and burden-sharing;
  - (d) they should be treated as persons whose tragic plight requires special understanding and sympathy. They should not be subjected to cruel, inhuman or degrading treatment;
  - (e) there should be no discrimination on the grounds of race, religion, political opinion, nationality, country of origin or physical incapacity;
  - (f) they are to be considered as persons before the law, enjoying free access to courts of law and other competent administrative authorities;
  - (g) the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State. Asylum seekers should, as far as possible, be located at a reasonable distance from the frontier of their country of origin. They should not become involved in subversive activities against their country of origin or any other State;
  - (h) family unity should be respected;

- (i) all possible assistance should be given for the tracing of relatives;
- (j) adequate provision should be made for the protection of minors and unaccompanied children;
- (k) the sending and receiving of mail should be allowed;
- (l) material assistance from friends or relatives should be permitted;
- (m) appropriate arrangements should be made, where possible, for the registration of births, deaths and marriages;
- (n) they should be granted all the necessary facilities to enable them to obtain a satisfactory durable solution;
- (o) they should be permitted to transfer assets which they have brought into a territory to the country where the durable solution is obtained; and
- (p) all steps should be taken to facilitate voluntary repatriation.

### III. Co-operation with the Office of the United Nations High Commissioner for Refugees

Asylum seekers shall be entitled to contact the Office of UNHCR. UNHCR shall be given access to asylum seekers. UNHCR shall also be given the possibility of exercising its function of international protection and shall be allowed to supervise the well-being of persons entering reception or other refugee centres.

### IV. International solidarity, burden-sharing and duties of States

- (1) A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.
- (2) Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.
- (3) Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.
- (4) The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.
- (5) Consideration should be given to the strengthening of existing mechanisms and, if appropriate, the setting up of new arrangements, if possible on a permanent basis, to ensure that the necessary funds and other material and technical assistance are immediately made available.

(6) In a spirit of international solidarity, Governments should also seek to ensure that the causes leading to large-scale influxes of asylum seekers are as far as possible removed and, where such influxes have occurred, that conditions favourable to voluntary repatriation are established.

**No. 100 (LV) – 2004 – International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

*Considering* that the achievement of international cooperation in solving international problems of a humanitarian character is a purpose of the United Nations as defined in its Charter and that the 1951 Convention relating to the Status of Refugees recognizes that a satisfactory solution to refugee situations cannot be achieved without international cooperation,

*Reaffirming* that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and responsibility and burden sharing among all States,

*Recalling* the importance of international cooperation to resolve the plight of refugees, action to address the causes of refugee movements, as well as to avert them, *inter alia*, through the promotion of peace, stability and dialogue, and of action to prevent refugee movements from becoming a source of tension between States,

*Emphasizing* States' obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and *highlighting* that States' continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

*Reaffirming* the importance of international burden and responsibility sharing in reducing the burdens of host countries, especially developing countries,

*Noting* that persons who arrive as part of a mass influx seeking international refugee protection should always receive it, at least on a temporary basis,

*Reaffirming* that access to asylum and the meeting by all States of their international protection obligations should not be dependent on burden and responsibility sharing arrangements first being in place, particularly because respect for human rights and humanitarian principles is a responsibility for all members of the international community,

*Recalling* that mass influx situations pose challenges for receiving States in particular, as well as for other States in the region and for the international community; and *reiterating* its recognition of the heavy responsibilities and burdens borne by countries receiving a mass influx, especially when the resulting presence of refugees becomes protracted, and the need for international cooperation to achieve a satisfactory durable solution to a problem which is international in scope and nature,

*Reaffirming*, in regard to mass influx, the guidance on reinforcing burden and responsibility sharing, including in particular that set out in Conclusion No. 22 (XXXII) of 1981 on the protection of asylum-seekers in situations of large-scale influx, Conclusions No. 15 (XXX) of 1979 on refugees without an asylum country, No. 52 (XXXIX) of 1988 on international solidarity and refugee protection, No. 80 (XLVII) of 1996 on comprehensive and regional approaches within a protection framework, No. 91 (LII) of 2001 on registration of refugees and asylum-seekers, No. 94 (LIII) of 2002 on the civilian and humanitarian character of asylum, and Conclusions No. 77 (XLVI) of 1995, No. 85 (XLIX) of 1998 and No. 89 (LI) of 2000 on international protection, as well as General Assembly Resolution 58/169 of 22 December 2003 on human rights and mass exoduses,

*Expressing* its appreciation for the useful discussions on mass influx situations and burden and responsibility sharing which took place in the context of the third track of the Global Consultations on International Protection,

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(a) *Notes* that mass influx is a phenomenon that has not been defined, but that, for the purposes of this Conclusion, mass influx situations may, *inter alia*, have some or all of the following characteristics: (i) considerable numbers of people arriving over an international border; (ii) a rapid rate of arrival; (iii) inadequate absorption or response capacity in host States, particularly during the emergency; (iv) individual asylum procedures, where they exist, which are unable to deal with the assessment of such large numbers;

(b) *Recognizes* the differing capacities of States to contribute to resolving mass influx situations; *commends* the significant contributions made by countries of first asylum, particularly those in the developing world and those faced with protracted refugee situations; and *stresses* the value of action by States, UNHCR and other actors to share the burden and responsibility of countries of first asylum and to strengthen capacities for the protection of refugees in such host countries;

(c) *Encourages* all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

(e) *Notes* the importance of the development by potential host States and UNHCR, as well as other relevant humanitarian organizations, with support by the international community, of emergency preparedness and response strategies in anticipation of situations likely to lead to a mass influx;

(f) *Acknowledges* the need for consultations on the international response to a mass influx situation with a view to developing appropriate international responses, including arrangements among States, regional and international organizations and, where applicable, financial institutions, as a clear sign of international solidarity and in the interest of protecting refugees;

(g) *Recommends* that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(h) *Notes* further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an *ex officio* basis, to examine options appropriate to the particular circumstances of the situation;

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian

emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(i) the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;

(ii) the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter-Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;

(iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

(iv) the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;

(v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;

(vi) the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;

(vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

(viii) the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;

(ix) the development of criteria and modalities for humanitarian transfer or evacuation to other countries,<sup>[1]</sup> fully consistent with international guidelines on the evacuation of children,<sup>[2]</sup> and financial assistance and other forms of support for the countries involved;

(k) *Acknowledges* that the principles of international cooperation and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative



paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and *highlights* the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(i) the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;

(ii) the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;

(iii) the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;

(iv) the provision of support for national protection capacities of host States as needed, *inter alia*, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;

(v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;

(vi) the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;

(vii) the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;

(viii) the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;

(ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees

and the communities hosting them so as to assist countries of asylum in integrating refugees locally;

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(iv) the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;

(n) *Recommends* that, where a plan of action or arrangement is adopted, an effective review mechanism be included whereby all actors are brought together to evaluate its implementation and the need for any amendments to it in light of developments;

(o) *Requests* UNHCR to report regularly to the Executive Committee, within existing reporting mechanisms, on developments in international burden and responsibility sharing regarding mass influx situations.

[1] In the context of the 1999 Kosovo crisis, the former involved the transfer of refugees to other States within the region, while the latter involved their evacuation to States further afield.

[2] ICRC, IRC, SCUK, UNICEF, UNHCR, WVI, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004, pp. 24–26; UNHCR, Refugee Children: Guidelines on Protection and Care, 1994, pp. 88–95; Evacuation of Children from Conflict Areas, Consideration and Guidelines, Everett M. Ressler, UNHCR and UNICEF, 1992.

## General

*The Executive Committee,*

### **No. 19 (XXXI) – 1980**

(a) *Reaffirmed* the essential need for the humanitarian legal principle of *non-refoulement* to be scrupulously observed in all situations of large-scale influx;

(b) *Recalled* the conclusions on the question of temporary refuge adopted by the Executive Committee at its thirtieth session and, in particular:

(i) that in the case of large-scale influx, persons seeking asylum should always receive at least temporary refuge; and

(ii) that States which, because of their geographical situation or otherwise, are faced with a large-scale influx, should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing;

(c) *Took note* of the extensive practice of granting temporary refuge in situations involving a large-scale influx of refugees;

(d) *Stressed* the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol, and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

**No. 23 (XXXII) – 1981**

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.

**No. 25 (XXXIII) – 1982**

(d) *Recognized* the concern of Governments resulting from large scale flows of persons and current recessionary trends in different areas of the world; expressed the hope, however, that these various developments would not lead to restrictive practices in the granting of asylum or in the application of the refugee concept, nor to an undermining of the essential principles of international protection;

(e) *Noted* with satisfaction the efforts being undertaken in other fora to examine the causes of large scale movements of asylum-seekers and expressed the hope that these efforts would lead to a substantial reduction in their volume; stressed, however, that such efforts should not in any way weaken the basic principles of international protection;

**No. 35 (XXXV) – 1984**

(f) *Recognized* the value of registering and issuing appropriate documentation to refugees in large-scale influx situations, and recommended that States which have not yet done so should undertake such registration and documentation programmes, where appropriate in cooperation with UNHCR.

**No. 44 (XXXII) – 1986**

*Recalling* further its Conclusion No. 22 (XXXII) on the treatment of asylum-seekers in situations of large-scale influx, as well as Conclusion No. 7 (XXVIII), paragraph (e), on the question of custody or detention in relation to the expulsion of refugees lawfully in a country, and Conclusion No. 8 (XXVIII), paragraph (e), on the determination of refugee status.

**No. 46 (XXXVIII) – 1987**

(l) *Reaffirmed* the importance of voluntary repatriation as the most desirable durable solution, particularly in the context of many of today's mass-influx situations, emphasized the need for States to respect the fundamental principles that must always guide action in this area and called upon the High Commissioner and States to continue their efforts in achieving this solution whenever appropriate;

**No. 65 (XLII) – 1991**

(u) *Welcomes* the convening of the World Conference on Human Rights and calls upon the High Commissioner to participate actively in the preparations for and the proceedings of the Conference, bearing in mind particularly that the matter of human rights and mass exoduses merits further serious consideration;

**No. 68 (XLIII) – 1992**

(u) *Acknowledges* that the realization of solutions in a growing number of mass outflow situations is much facilitated where these are made an integral part of a comprehensive plan of action, which balances the interests of affected States and the rights and needs of individuals and, accordingly, encourages UNHCR to work together with States and other interested organizations to explore new

solutions oriented approaches, which might include temporary protection and necessary arrangements for burden-sharing, when a situation so requires;

**No. 71 (XLIV) – 1993**

(m) *Supports* the further exploration by the High Commissioner and States of various asylum strategies, such as temporary protection, in relation to persons compelled to flee their countries in large numbers and who are in need of international protection, pending the identification of an appropriate solution, and reaffirms the importance of Executive Committee Conclusion No. 22 (XXXII) on Protection of Asylum-Seekers in Situations of Large-Scale Influx;

**No. 72 (XLIV) – 1993**

*Recalling* previous conclusions dealing with the personal security of refugees, in particular, Conclusions No. 22 (XXXII) on the Protection of Asylum-Seekers in Situations of Large-Scale Influx and No. 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements,

**No. 74 (XLV) – 1994**

(r) *Considers* that temporary protection, which has been described by the High Commissioner in the context of the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia as including admission to safety, respect for basic human rights, protection against *refoulement*, and safe return when conditions permit to the country of origin, can be of value as a pragmatic and flexible method of affording international protection of a temporary nature in situations of conflict or persecution involving large scale outflows;

**No. 81 (XLVIII) – 1997**

(a) *Welcomes* the fact that despite the increasing complexity of refugee crises, States in many parts of the world continue to grant asylum to refugees, both on an individual basis and in situations of mass influx;

**No. 85 (XLIX) – 1998**

(a) *Welcomes* that many States continue to grant asylum to refugees, both on an individual basis and in situations of mass influx, in accordance with international law and with internationally established principles and standards, but deplores the numerous and serious breaches of such law, principles and standards by some States;

**No. 91 (LII) – 2001**

*Recalling* its Conclusion No. 22 (XXXII) on the protection of asylum-seekers in situations of large-scale influx, Conclusion No. 35 (XXXV) on identity documents for refugees, Conclusion No. 39 (XXXVI) and Conclusion No. 64 (XLI) on refugee women and international protection, as well as Conclusion No. 73 (XLIV) on refugee protection and sexual violence;

(h) *Emphasizes* the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations.

**No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence,

Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;

**No. 104 (LVI) – 2005**

*Considering* that refugee situations are international in scope and nature and therefore *reiterating* its strong commitment to international solidarity and burden and responsibility sharing; and *reaffirming* UNHCR's catalytic role in assisting and supporting countries receiving refugees, particularly developing countries and countries with economies in transition, and in mobilizing financial assistance and other forms of support, including development assistance from the international community to address the impact of large-scale refugee populations,

*Acknowledging* that the global refugee situation represents an international challenge requiring international burden and responsibility sharing to be addressed effectively; and, *recognizing* that allowing for local integration, where applicable, is an act of States which is a durable solution for refugees that contributes to that burden and responsibility sharing, without prejudice to the specific situation of certain developing countries facing mass influxes,

*Recognizing* that some countries of asylum carry a heavy burden, in particular developing countries, countries with economies in transition and least developed countries which host large numbers of refugees and asylum-seekers, especially when they have arrived as part of a mass influx and have remained for a long period of time,

(b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;

## MIGRATION

*The Executive Committee,*

### **No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(xiv) consideration of the relationship between asylum problems and international migration.

### **No. 71 (XLIV) – 1993**

(n) *Recognizes* the importance of addressing prevention, protection and solutions on a comprehensive regional basis, and encourages the High Commissioner to consult with States, the United Nations Department of Humanitarian Affairs (DHA), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and other relevant international organizations and regional bodies on possibilities for additional measures and initiatives in specific areas with complex problems of coerced population movements, and to keep the Sub-Committee of the Whole on International Protection and, where appropriate, the Sub-Committee on Administrative and Financial Matters informed;

### **No. 74 (XLV) – 1994**

(j) Recognizes that applications for asylum by large numbers of irregular migrants who are not in need of international protection continue to pose serious problems in certain regions, and reiterates in this connection its Conclusion No. 71 (XLIV) (1993), paragraphs j, k and l;

### **No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism

### **No. 85 (XLIX) – 1998 – The Right to Seek and Enjoy Asylum**

(s) *Notes* with concern reports from countries that there is an increasing trend towards the misuse or abuse of national refugee status determination procedures; acknowledges the need for States to address this problem both at the national level and through international cooperation; urges, however, States to ensure that national law and administrative practices, including migration control measures, are compatible with the principles and standards of applicable refugee and human rights law, as set out in relevant international instruments;

### **No. 87 (L) – 1999 – Access to Protection**

(k) *Acknowledges* the need for States to address the problem of misuse or abuse of refugee status determination procedures, both at the national level and through international cooperation, and

urges States to ensure that national law and administrative practices, including migration control measures, are compatible with the principles and standards of applicable refugee and human rights law, as set out in relevant international instruments;

**No. 89 (LI) – 2000**

*Noting* the discussions in the Standing Committee on the interception of asylum-seekers and refugees, and recognizing the importance of adopting comprehensive measures, between all relevant States and in cooperation with UNHCR, international organizations and other appropriate organizations, to deal effectively with irregular migration, trafficking and smuggling of persons, potentially including refugees and asylum-seekers, and ensure in this context that international protection and assistance needs of asylum-seekers and refugees are identified and fully met, consistent with international protection responsibilities, in particular the principle of *non-refoulement*;

**No. 96 (LIV) – 2003**

*Bearing in mind* that the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole, as well as to the control of irregular migration and prevention of smuggling and trafficking of such persons;

**No. 97 (LIV) – 2003**

*Recognizing* that States have a legitimate interest in controlling irregular migration, as well as ensuring the safety and security of air and maritime transportation, and a right to do so through various measures;

**No. 102 (LVI) – 2005**

(e) *Recalls* the 1996 Geneva Conference on the problems of refugees, displaced persons, migration and asylum issues in the countries of the Commonwealth of Independent States; *concludes* with satisfaction that the ten-year follow-up process generated by the Conference is nearing its completion and has been successful in pursuing the original goals of addressing the multi-faceted protection and migration challenges of the countries of the CIS in a coherent and concerted way; and *encourages* States, UNHCR and other relevant actors to continue to work collaboratively, building on the successes of the Conference Process to date;

**No. 108 (LIX) – 2008**

(e) *Welcomes* the discussions in the High Commissioner's Dialogue on Protection Challenges in December 2007, and *affirms* the mandated role of UNHCR in the identification of refugees and other persons of concern to the Office in mixed migratory movements with a view to meeting their international protection needs; *recognizes* the importance of enhanced cooperation among States, UNHCR, international agencies, including the International Organization for Migration, and other relevant actors, to address the complex problems arising in the context of mixed migratory movements including people smuggling and trafficking in persons;

## **MILITARY OR ARMED ATTACKS ON REFUGEE CAMPS AND SETTLEMENTS / CIVILIAN AND HUMANITARIAN CHARACTER OF ASYLUM**

### **Character and Location of Camps**

*The Executive Committee,*

#### **No. 77 (XLVI) – 1995**

(q) *Reaffirms* its Conclusion 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements and reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character, and all parties are obliged to abstain from any activity likely to undermine this; condemns all acts which pose a threat to the personal security of refugees and asylum-seekers, and also those which may endanger the safety and stability of States; calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained and, in this regard, calls on all other States to assist them; and further calls on States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers, and to afford UNHCR and other appropriate organizations prompt and unhindered access to them.

#### **No. 84 (XLVII) – 1997**

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

- (i) safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin, and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

#### **No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum**

*Recalling* also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict<sup>[2]</sup>, noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary



repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

(a) *Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, *inter alia*, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(b) *Urges* refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing their use for purposes which are incompatible with their civilian character;

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(iv) Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;

[2] S/1999/957; S/2001/331.

#### **No. 98 (LIV) – 2003**

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(v) *Ensuring* that camp governance is conducted in an equitable manner that empowers women, children and vulnerable groups and that the physical layout of camps is designed in such a way as to make such individuals less vulnerable to sexual abuse and exploitation;

#### **No. 99 (LV) – 2004**

(m) *Deplors* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

## **Children and Adolescents**

*The Executive Committee,*

### **No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

### **No. 84 (XLVIII) – 1997**

*Gravely concerned* that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(ii) the fundamental right of children and adolescents to life, liberty, security of person and freedom from torture and cruel, inhuman or degrading treatment or punishment;

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(ii) safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin, and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

### **No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum**

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on

refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

*Recognizing* the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized armed groups,

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(viii) Former child soldiers should benefit from special protection and assistance measures, in particular as regards their demobilization and rehabilitation;

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

## **Conclusions Specific to Military or Armed Attacks on Refugee Camps and Settlements**

*The Executive Committee,*

#### **No. 27 (XXXIII) – 1982 – Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere**

(a) *Stressed* the fundamental importance of respecting the relevant principles of international humanitarian law as reflected in the note prepared by the Office of the High Commissioner (EC/SCP/25);

(b) *Expressed* the conviction that the Office of the High Commissioner can substantially contribute, within the scope of its mandate, to the endeavours of other bodies also concerned with the problem and assist them in discharging their respective responsibilities in this regard, while maintaining the humanitarian and non-political character of his Office;

(c) *Expressed* its profound concern at the problem of continuing military attacks on refugee camps and settlements, as illustrated by the recent tragic cruel and inhuman events in Lebanon which have rightly been unanimously condemned, and expressed the hope that measures would be taken to protect refugees against such attacks and to aid the victims;

(d) *Welcomed* the appointment by the High Commissioner of Ambassador Schnyder to carry out a survey of the various aspects of the problem of military attacks on refugee camps and settlements of concern to UNHCR and, in taking note with appreciation of his preliminary report on the matter (EC/SCP/23) expressed the hope that this survey would lead to the adoption of measures which would make refugee camps and settlements safer from military attacks than they have so far been;

(e) *Stressed* the urgency of the matter and hoped to receive the final report of Ambassador Schnyder as soon as possible and to have an opportunity to discuss its contents at an early date and in any case not later than September 1983.

**No. 32 (XXXIV) – 1983 – Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere.**

(a) *Expressed* profound concern at the continuation of military or armed attacks on refugee camps and settlements which was causing untold suffering to refugees, including women and children and elderly persons;

(b) *Stressed* the utmost importance and urgency of responding to this grave humanitarian problem;

(c) *Took note* of the report of the Sub-Committee of the Whole on International Protection (A/AC.96/629) which includes a draft statement of principles on the Prohibition of Military and Armed Attacks on Refugee Camps and Settlements;

(d) *Noted* with regret that it had not been possible to reach a consensus on these principles in the time available;

(e) *Requested* the Chairman to continue his consultations in order to seek final agreement on these principles with the least possible delay.

**No. 45 (XXXVII) – 1986 – Military and Armed Attacks on Refugee Camps and Settlements**

*Recalling* the continuous efforts undertaken by the Executive Committee to draft a set of principles or conclusions on the subject of military and armed attacks on refugee camps and settlements;

*Commending* the Chairman of the Executive Committee and the High Commissioner for their efforts to promote agreement on a draft set of conclusions on this subject;

*Regretting* that after so much debate it has not been able to arrive at a common position;

*Noting* that the General Assembly had by consensus adopted resolution 39/140, of which paragraph 3, *inter alia*, relates to military and armed attacks on refugee camps and settlements;

*Gravely concerned* that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world have continued to be disregarded as evidenced, in particular, by the large number of victims and material damage occasioned by the various military and armed attacks on refugee camps and settlements which continue to occur;

(a) *Stressed* the urgency and importance of the question of military and armed attacks on refugee camps and settlements being kept under constant review by the Executive Committee with a view to reaching agreement on a set of principles or conclusions in order to reinforce the international protection of refugees; and

(b) *Requested* the Chairman and the High Commissioner to continue consultations on this matter, review developments and submit detailed reports in accordance with their respective mandates on the various aspects of the subject to the thirty-eighth session of the Executive Committee.

**No. 48 (XXXVIII) – 1987 – Military or Armed Attacks on Refugee Camps and Settlements**

*Remained* gravely preoccupied with the continuing incidence of unlawful attacks on refugees and asylum-seekers in different areas of the world, including military or armed attacks on refugee camps and settlements and, in view of the tragic and indiscriminate consequences of these attacks,

resulting in untold human misery for the refugees and asylum-seekers, believed it was necessary and timely at this session to express its humanitarian concern and condemnation in the strongest terms;

*Noted* with appreciation those Resolutions of the General Assembly of the United Nations, adopted by consensus, in particular General Assembly Resolution 39/140 (1984), which condemned all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements;

*Predicating* this Conclusion on the assumption, *inter alia*, that refugee camps and settlements have an exclusively civilian and humanitarian character and on the principle that the grant of asylum or refuge is a peaceful and humanitarian act that is not to be regarded as unfriendly by another State; hoping to assist in guaranteeing the safety of refugees and asylum-seekers, as well as to reinforce their rights, obligations and responsibilities and those of States and international organizations pursuant to relevant rules and principles of international law; and underlining that the rights and responsibilities of States pursuant to the Charter of the United Nations and relevant rules and principles of international law, including international humanitarian law, remained unaltered;

(1) *Condemns* all violations of the rights and safety of refugees and asylum-seekers and in particular military or armed attacks on refugee camps and settlements.

(2) *Strongly urges* States to abstain from these violations, which are against the principles of international law and, therefore, cannot be justified.

(3) *Calls upon* States and competent international organizations, in accordance with the principle of international solidarity and in order to alleviate the burden of the country of refuge, to provide, according to their means, all necessary assistance to relieve the plight of the victims of such military and armed attacks on refugee camps and settlements if ever they occur.

(4) *Urges* States and other parties to be guided by the following considerations in promoting measures to enhance the protection of refugee camps and settlements;

(a) Refugees in camps and settlements have, together with the basic rights they enjoy, duties deriving from the refuge and protection granted or afforded to them by the country of refuge. In particular, they have duties to conform to the laws and regulations of the State of refuge including lawful measures taken for the maintenance of public order and to abstain from any activity likely to detract from the exclusively civilian and humanitarian character of the camps and settlements.

(b) It is essential that States of refuge do all within their capacity to ensure that the civilian and humanitarian character of such camps and settlements is maintained. All other States are called upon to assist them in this regard. To this end relevant organs of the United Nations, within their respective terms of reference, are also called upon to co-operate with all States in providing assistance whenever necessary.

(c) UNHCR and other concerned organs of the United Nations should make every effort, within their respective terms of reference and in keeping with the principles of the United Nations Charter, to promote conditions which ensure the safety of refugees in camps and settlements. For UNHCR this may include maintaining close contact with the Secretary-General of the United Nations and providing liaison, as appropriate, with all the parties concerned. It may also involve making appropriate arrangements with States of refuge on methods of protecting such refugee camps and settlements including, whenever possible, their location at a reasonable distance from the frontier of the country of origin.

(d) States have a duty to co-operate with the High Commissioner in the performance of his humanitarian protection and assistance functions, which can only be effectively accomplished if he has access to camps and settlements of his concern.

**No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum**

*Remaining* seriously concerned by the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration and presence of armed elements in refugee camps and settlements,<sup>[1]</sup>

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

*Recalling* also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict<sup>[2]</sup>, noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

[1] For the purpose of this Conclusion, the term “armed elements” is used as a generic term in a refugee context that refers to combatants as well as civilians carrying weapons. Similarly, for the purpose of this Conclusion, the term “combatants” covers persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum.

[2] S/1999/957;S/2001/331.

**Duties of Refugees**

*The Executive Committee,*

**No. 61 (XLI) – 1990**

(d) *Notes* with concern that, in certain instances, specific activities by some refugees have been incompatible with national security interests and, in this context, reconfirmed its Conclusion No. 48 (XXXVIII) on Military and Armed Attacks on Refugee Camps and Settlements and, in particular, its paragraph 4 (a);

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(viii) the duty of refugees, and of asylum-seekers, to respect and abide by the laws of host States;

**No. 94 (LIII) – 2002**

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee

conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

## **Maintaining the Civilian and Humanitarian Character of Asylum**

*The Executive Committee,*

### **No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum**

*Remaining* seriously concerned by the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration and presence of armed elements in refugee camps and settlements,<sup>[1]</sup>

*Recalling* the relevant provisions of international refugee law, international human rights law and international humanitarian law,

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

*Recalling* also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict<sup>[2]</sup>, noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

*Welcoming* the discussion which took place on the civilian character of asylum in the context of the Global Consultations on International Protection,<sup>[3]</sup>

*Noting* that several international meetings have recently been held, aimed at identifying effective operational strategies for maintaining the civilian and humanitarian character of asylum,<sup>[4]</sup>

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

*Recognizing* the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized armed groups,

*Reaffirming* the importance of States, UNHCR and other relevant actors, integrating safety and security concerns from the outset of a refugee emergency into refugee camp management in a holistic manner,



(a) *Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, *inter alia*, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(b) *Urges* refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing their use for purposes which are incompatible with their civilian character;

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(i) Respect for the right to seek asylum, and for the fundamental principle of *non-refoulement*, should be maintained at all times;

(ii) Measures for the disarmament of armed elements and the identification, separation and internment of combatants should be taken as early as possible, preferably at the point of entry or at the first reception/transit centres for new arrivals;

(iii) To facilitate early identification and separation of combatants, registration of new arrivals should be conducted by means of a careful screening process;

(iv) Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;

(v) Once identified, disarmed and separated from the refugee population, combatants should be interned at a safe location from the border;

(vi) Where the granting of refugee status is based on group determination, civilian family members of combatants should be treated as refugees and should not be interned together with them;

(vii) Combatants should not be considered as asylum-seekers until the authorities have established within a reasonable timeframe that they have genuinely and permanently renounced military activities, once this has been established, special procedures should be put in place for individual refugee status determination, to ensure that those seeking asylum fulfil the criteria for the recognition of refugee status, during the refugee status determination process, utmost attention should be paid to article 1F of the 1951 Convention, in order to avoid abuse of the asylum system by those who do not deserve international protection;

(viii) Former child soldiers should benefit from special protection and assistance measures, in particular as regards their demobilization and rehabilitation;

(ix) Where necessary, host States should develop, with assistance from UNHCR, operational guidelines in the context of group determination to exclude those individuals who are not deserving of international refugee protection;

(d) Further to para (c)(ii) above, *calls upon* UNHCR to convene a meeting of experts in support of the elaboration of measures for the disarmament of armed elements and the identification, separation, and internment of combatants, including the clarification of relevant procedures and standards, in consultation with States, United Nations Secretariat entities and agencies, and interested organizations, such as the ICRC, and report back to the Executive Committee on progress achieved;

(e) *Calls upon* States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

(f) *Calls upon* the relevant United Nations organs and regional organizations, in pursuance of their respective mandates, as well as the international community at large, to mobilize adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, in line with the principles of international solidarity, co-operation, burden and responsibility sharing;

(g) *Calls upon* UNHCR and the Department of Peacekeeping Operations of the United Nations Secretariat to enhance collaboration on all aspects of this complex matter, and as appropriate, to deploy, with the consent of host States, multi-disciplinary assessment teams to an emerging crisis area in order to clarify the situation on the ground, evaluate security threats for refugee populations and consider appropriate practical responses;

(h) *Calls upon* UNHCR to explore how it may develop, in consultation with relevant partners, its own institutional capacity to address insecurity in refugee camps, *inter alia* by assisting States to ensure the physical safety and dignity of refugees, building, as appropriate, upon its protection and operational expertise.

[1] For the purpose of this Conclusion, the term “armed elements” is used as a generic term in a refugee context that refers to combatants as well as civilians carrying weapons. Similarly, for the purpose of this Conclusion, the term “combatants” covers persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum.

[2] S/1999/957; S/2001/331.

[3] EC/GC/01/8/Rev.1.

[4] Workshop on the Potential of International Police in Refugee Camp Security (Ottawa, Canada, March 2001); Regional Symposium on Maintaining the Civilian and Humanitarian Character of Refugee Status, Camps and other locations (Pretoria, South Africa, February 2001); International Seminar on Exploring the Role of the Military in Refugee Camp Security (Oxford, UK, July 2001).

#### **No. 99 (LV) – 2004**

(n) *Reiterates* that the grant of asylum to refugees is a peaceful and humanitarian act, and that all actors are obliged to abstain from any activity which serves to undermine this; *recalls* its Conclusion No. 94 (LIII) on the civilian and humanitarian character of asylum and the useful discussions which took place on this subject in the context of the Global Consultations on International Protection; *welcomes* the convening by UNHCR of an expert round table in June 2004 which explored these issues further; and *encourages* UNHCR, in consultation with States and other relevant actors, to continue this process with a view to elaborating measures for the disarmament of armed elements and the identification, separation and internment of combatants;

#### **No. 100 (LV) – 2004**

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(vi) the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;

(vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;

**No. 107 (LVIII) – 2007 – Children at Risk**

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

**Protection and Assistance**

*The Executive Committee,*

**No. 14 (XXX) – 1979**

(e) *Severely condemned* recent inhuman attacks on refugee camps in southern Africa as a result of which numerous refugees, including women and children, had lost their lives and others had become permanently incapacitated, and expressed the hope that the necessary steps would be taken to protect refugees from such attacks and to assist the victims;

**No. 16 (XXXI) – 1980**

(f) *Reiterated* its condemnation of inhuman military attacks on refugee camps in southern Africa and the need for effective protection and humanitarian assistance to be accorded to the victims of such attacks;

**No. 21 (XXXII) – 1981**

(h) *Noted* with grave concern the inhuman military attacks on refugee camps in southern Africa and elsewhere, involving extreme and indescribable hardships to refugees and called upon the High Commissioner to examine the serious humanitarian problems resulting from military attacks on refugee camps and settlements which are the concern of UNHCR, and the need for special measures to protect and ensure the safety of such refugees, and to report thereon at the earliest possible date to the Executive Committee;

**No. 46 (XXXVIII) – 1987**

(f) *Reiterated* the High Commissioner's leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks, and arbitrary detention;

**No. 55 (XL) – 1989**

(i) *Reiterated* its Conclusion No. 48 (XXXVIII) concerning military or armed attacks on refugee camps and settlements and urged all parties concerned to respect the guidelines, including on UNHCR access, contained therein;

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 98 (LIV) – 2003**

*Acknowledging* that inadequate protection or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(iv) Ensuring that needs assessments, evaluations and reports, identify vulnerabilities to sexual exploitation and abuse and provide a basis for improved programme planning that minimizes risks and opportunities for sexual abuse and exploitation, and that protection and assistance processes, taking into account the quantity and quality of assistance and distribution methods, including supervision, are designed and implemented in a manner that reduces the risk of sexual abuse and exploitation;

## Responsibilities of States

*The Executive Committee,*

### No. 82 (XLVIII) – 1997

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(vii) the responsibility of host States, working, where appropriate, with international organizations, to identify and separate any armed or military elements from refugee populations, and to settle refugees in secure locations at a reasonable distance, to the extent possible, from the frontier of the country of origin, with a view to safeguarding the peaceful nature of asylum;

### No. 87 (L) – 1999

(q) *Recalls* United Nations Security Council resolution S/RES/1208 (1998); remains gravely preoccupied with the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration of armed elements in refugee camps and settlements; *re-emphasizes* the responsibility of States, working, where appropriate, with UNHCR in collaboration with each other and with other parts of the UN system, to uphold the civilian and humanitarian character and to ensure the security of refugee camps and settlements, *inter alia*, by identifying and separating armed elements from refugee populations and settling refugees in secure locations; and *encourages* States and UNHCR, in collaboration with each other and with other parts of the UN system, to continue their efforts to enhance the security and civilian nature of refugee camps and settlements;

### No. 94 (LIII) – 2002

*Reiterating* that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

*Reaffirming* the importance of States, UNHCR and other relevant actors, integrating safety and security concerns from the outset of a refugee emergency into refugee camp management in a holistic manner,

(a) *Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, *inter alia*, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(b) *Urges* refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing their use for purposes which are incompatible with their civilian character;

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

- (ii) Measures for the disarmament of armed elements and the identification, separation and internment of combatants should be taken as early as possible, preferably at the point of entry or at the first reception/transit centres for new arrivals;
- (iii) To facilitate early identification and separation of combatants, registration of new arrivals should be conducted by means of a careful screening process;
- (iv) Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;
- (v) Once identified, disarmed and separated from the refugee population, combatants should be interned at a safe location from the border;

**No. 99 (LV) – 2004**

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

## **Violations of Refugees' and Asylum-Seekers' Rights / Personal Security**

*The Executive Committee,*

**No. 20 (XXXI) – 1980**

(a) *Noted* with grave concern the continuing incidence of criminal attacks on refugees and asylum-seekers in different areas of the world, including military attacks on refugee camps and on asylum-seekers at sea;

**No. 25 (XXXIII) – 1982**

(c) *Expressed* concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

(l) *Expressed* the hope that an informal meeting of the Sub-Committee would be held as early as possible in 1983 to consider further the question of military attacks on refugee camps and settlements of concern to the High Commissioner, or other questions relating to the physical safety of refugees and asylum-seekers.

**No. 29 (XXXIV) – 1983**

(d) *Noted*, however, with particular concern that in various regions the physical safety of refugees and asylum-seekers has been seriously violated through military or armed attacks, acts of piracy and other forms of brutality and the failure to rescue asylum-seekers in distress at sea;

**No. 33 (XXXV) – 1984**

(e) *Noted* with particularly grave concern the continuing serious violations or disregard of the physical safety of refugees and asylum seekers in various regions of the world, including military or armed attacks, acts of piracy and the failure to rescue asylum-seekers in distress at sea;

**No. 36 (XXXVI) – 1985**

(f) *Noted* with serious concern that despite the development and further strengthening of established standards for the treatment of refugees, the basic rights of refugees in different areas of the world had continued to be disregarded and that in particular refugees are being exposed to pirate attacks, other acts of violence, military and armed attacks, arbitrary detention and *refoulement*;

**No. 46 (XXXVIII) – 1987**

(f) *Reiterated* the High Commissioner's leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks, and arbitrary detention;

**No. 48 (XXXVIII) – 1987**

*Remained* gravely preoccupied with the continuing incidence of unlawful attacks on refugees and asylum-seekers in different areas of the world, including military or armed attacks on refugee camps and settlements and, in view of the tragic and indiscriminate consequences of these attacks, resulting in untold human misery for the refugees and asylum-seekers, believed it was necessary and timely at this session to express its humanitarian concern and condemnation in the strongest terms;

*Noted* with appreciation those Resolutions of the General Assembly of the United Nations, adopted by consensus, in particular General Assembly Resolution 39/140 (1984), which condemned all violations of the rights and safety of refugees and asylum-seekers, in particular those perpetrated by military or armed attacks against refugee camps and settlements;

**No. 50 (XXXIX) – 1988**

(h) *Reaffirmed*, in the context of the continuing violations of the rights and safety of refugees and asylum-seekers in different areas of the world, its Conclusion No. 48 (XXXVIII) adopted at the thirty-eighth session of the Executive Committee;

**No. 55 (XL) – 1989**

(h) *Expressed* strong concern about serious violations of the rights and security of refugees and asylum-seekers in different parts of the world including through forced recruitment of refugees into armed forces;

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 72 (XLIV) – 1993**

*Recalling* previous conclusions dealing with the personal security of refugees, in particular, Conclusions No. 22 (XXXII) on the Protection of Asylum-Seekers in Situations of Large-Scale Influx and No. 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements,

**No. 74 (XLV) – 1994**

(f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

**No. 85 (XLIX) – 1998**

(b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

**No. 94 (LIII) – 2002**

*Remaining* seriously concerned by the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration and presence of armed elements in refugee camps and settlements,<sup>[1]</sup>

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

*Reaffirming* the importance of States, UNHCR and other relevant actors, integrating safety and security concerns from the outset of a refugee emergency into refugee camp management in a holistic manner,

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(iv) Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;

[1] For the purpose of this Conclusion, the term “armed elements” is used as a generic term in a refugee context that refers to combatants as well as civilians carrying weapons. Similarly, for the purpose of



this Conclusion, the term “combatants” covers persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum.

**No. 99 (LV) – 2004**

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

## NON-GOVERNMENTAL ORGANIZATIONS

[See also PARTNERSHIPS]

### Family Reunification

*The Executive Committee,*

#### **No. 9 (XXVIII) – 1977**

(b) *Reaffirmed* the co-ordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and non governmental organizations;

### Internally Displaced Persons

*The Executive Committee,*

#### **No. 75 (XLV) – 1994**

(r) *Considers* that, in addressing the problem of internal displacement, the international community should seek to collaborate to the maximum possible extent with existing humanitarian organizations, including non-governmental organizations, with relevant expertise;

#### **No. 108 (LIX) – 2008**

##### Internal displacement

(t) *Takes note* of the inter-agency “Handbook for the Protection of IDPs” and the “Protection of Conflict-induced IDPs: Assessment for Action Framework”; and *invites* concerned States, agencies, non-governmental organizations and other relevant actors to make use of these tools, as appropriate, as common standards and frameworks for their actions in providing for the protection of internally displaced persons and affected populations;

### Personal Security of Refugees and Asylum-Seekers

*The Executive Committee,*

#### **No. 72 (XLIV) – 1993**

(e) *Supports* the High Commissioner’s activities to monitor the personal security of refugees and asylum-seekers and to take appropriate action to prevent or redress violations thereof, including the expansion of training programmes aimed at enhancing the understanding of refugee protection among law enforcement officials, other concerned Government personnel, and non-governmental organizations;

(f) *Encourages* the High Commissioner to develop, share with the Executive Committee and disseminate widely guidelines containing practical measures that States, UNHCR as well as other international and non-governmental organizations can take to further strengthen the physical protection of refugees and asylum-seekers.

**No. 102 (LVI) – 2005**

(u) *Strongly condemns* the unscrupulous actions of individuals or entities who misuse or abuse, in any manner whatsoever, assistance intended for refugees, for their own ends to exploit and abuse refugees and other persons of concern; and *calls on* States, UNHCR, relevant United Nations agencies and non-governmental organizations, to denounce and to take action to prevent abuse or exploitation which may deprive refugees and other persons of concern of adequate assistance and which may heighten the vulnerability in particular of refugee women and children;

**Prevention**

*The Executive Committee,*

**No. 68 (XLIII) – 1992**

(p) *Supports*, in this connection, strengthened efforts by the High Commissioner to explore further approaches encompassing early warning, training, advisory services and promotion of human rights and of development, in conformity with her mandate and responsibilities, within an inter-agency, intergovernmental and non-governmental framework as appropriate, to prevent conditions giving rise to refugee exoduses;

**No. 71 (XLIV) – 1993**

(r) *Encourages* the High Commissioner, on the basis of her broad humanitarian experience and expertise, and the particular competence of UNHCR staff in the field, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned and within an inter-agency, intergovernmental and non-governmental framework, as appropriate, and requests the High Commissioner to keep the Sub-Committee of the Whole on International Protection and the Sub-Committee on Administrative and Financial Matters informed of developments;

**No. 74 (XLV) – 1994**

(aa) *Recognizes* that for repatriation to be a sustainable and thus truly durable solution to refugee problems it is essential that the need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner, and calls upon the international community to continue to support the High Commissioner's efforts to promote comprehensive and regional approaches to prevention, protection and solutions in consultation with States and the relevant international, regional and national governmental and non-governmental bodies, as appropriate;

**Promotion of Refugee Law / Public Awareness**

*The Executive Committee,*

**No. 41 (XXXVII) – 1986**

(o) *Noted* the importance of promoting a favourable climate of public opinion in order to facilitate the exercise of the High Commissioner's international protection function; stressed the necessity for the special situation and needs of refugees and asylum-seekers to be brought fully to the attention of the public; and welcomed UNHCR's efforts in this regard which should be fully supported by Governmental authorities and concerned non-governmental organizations.

**No. 46 (XXXVIII) – 1987**

(t) *Emphasized* the need for all concerned, including States, intergovernmental, national and non-governmental organizations, to sensitize public opinion to the special circumstances and needs of refugees and asylum-seekers to help generate a feeling of empathy and respect for refugees with a view to developing a more positive attitude towards them.

**No. 50 (XXXIX) – 1988**

(m) *Emphasized* the need, in the context of improving the general protection of refugees, for increased public awareness and information activities, bearing in mind the particular requirements of each country concerned and the valuable contribution which non-governmental organisations are able to make in this, as in other, areas of refugee protection;

**No. 51 (XXXIX) – 1988**

(3) *Welcomed* the various initiatives undertaken by the High Commissioner in regard to the dissemination of refugee law including through publications and the various information services offered by the Centre for Documentation on Refugees as well as through co-operation with non-governmental organizations (NGOs) who play an indispensable role in the promotion of refugee law.

**No. 71 (XLIV) – 1993**

(bb) *Calls upon* States in cooperation with UNHCR and non-governmental organizations to pursue their efforts to foster greater public understanding and acceptance of people of different backgrounds and cultures with a view to dispelling hostile attitudes and other forms of intolerance towards foreigners;

**No. 72 (XLIV) – 1993**

(e) *Supports* the High Commissioner's activities to monitor the personal security of refugees and asylum-seekers and to take appropriate action to prevent or redress violations thereof, including the expansion of training programmes aimed at enhancing the understanding of refugee protection among law enforcement officials, other concerned Government personnel, and non-governmental organizations;

**No. 77 (XLVI) – 1995**

(m) *Calls upon* the High Commissioner to continue to expand and strengthen the Office's activities with regard to the promotion and dissemination of refugee law and protection principles with the active support of States and through increased cooperation with non-governmental organizations, academic institutions and other relevant organizations; further calls upon the High Commissioner to explore ways to integrate its activities in the areas of documentation, research, publications and electronic dissemination;

**No. 79 (XLVII) – 1996**

(n) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the active support of States and through increased cooperation with other international organizations, non-governmental organizations, academic institutions and other relevant organizations;

**No. 81 (XLVIII) – 1997**

(u) *Notes* with satisfaction UNHCR's dissemination and training activities with regard to promoting refugee law and protection principles, and calls upon the High Commissioner to continue to strengthen the Office's refugee law promotion work, with the active support of States and through increased cooperation with non-governmental organizations, academic institutions and other relevant organizations.

**No. 93 (LIII) – 2002**

(d) *Urges* States and UNHCR, in collaboration with other relevant actors, to combat acts of racism, racial discrimination, xenophobia, and related intolerance directed against asylum-seekers and to take appropriate measures to create or enhance harmonious relationships with the local communities, *inter alia*, by promoting respect for asylum-seekers and refugees, by creating awareness of their needs, as well as promoting respect for the local culture, customs and religions among asylum-seekers.

## **Reception**

*The Executive Committee,*

**No. 93 (LIII) – 2002**

*Acknowledging* that asylum systems are different, entailing assistance in kind or financial assistance, or a combination of both, as well as involving both governmental and non-governmental actors,

## **Resettlement**

*The Executive Committee,*

**No. 77 (XLVI) – 1995**

(p) *Reiterates* the continued importance of resettlement as an instrument of protection and its use as a durable solution to refugee problems in specific circumstances; welcomes the initiative in commissioning an evaluation study and the UNHCR-sponsored consultation on resettlement; and encourages UNHCR to continue the process of dialogue with interested Governments and non-governmental organizations to strengthen its activities in this connection, and to provide regular reports to the Executive Committee;

**No. 79 (XLVII) – 1996**

(t) *Encourages* the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and NGOs on resettlement;

## **Role in International Protection**

*The Executive Committee,*

**No. 29 (XXXIV) – 1983**

(j) *Recognized* the importance of developing standards of protection by maintaining a constant dialogue with Governments, non-governmental organizations and academic institutions and of

filling lacunae in international refugee law, particularly as regards asylum-seekers whose status has not been determined and as regards the physical protection of refugees and asylum-seekers;

**No. 41 (XXXVII) – 1986**

(n) *Recognized* the valuable contribution of the non-governmental organizations in supporting the High Commissioner's efforts in the field of international protection

**No. 46 (XXXVIII) – 1987**

(r) *Noted* with renewed appreciation the contribution of nongovernmental organizations in actively supporting the High Commissioner's efforts in the field of international protection;

**No. 55 (XL) – 1989**

(b) *Expressed* deep concern about UNHCR's present financial situation and, in this context, called on UNHCR as well as States, governmental and non-governmental organizations and the international community at large to continue to give the necessary priority to protection activities and to work to ensure their efficiency and effectiveness;

**No. 104 (LVI) – 2005 – Local Integration**

(q) *Acknowledges* that, regardless of whether local integration takes place in an industrialized or a developing State, it requires the host State to take the lead role, as well as the sustained commitment of all stakeholders of the necessary time and resources; and *recognizes* the important role which members of civil society, including non-governmental organizations, can play in fostering an environment conducive to local integration;

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

## **Women / Children**

*The Executive Committee,*

**No. 47 (XXXVIII) – 1987**

(t) *Noted* the importance of further study of the needs of refugee children by UNHCR, other intergovernmental and non-governmental agencies and national authorities, with a view to identification of additional support programmes and reorientation as necessary of existing ones;

**No. 54 (XXXIX) – 1988**

*Urged* the High Commissioner to explore and build upon the experience obtained by other United Nations organizations, donor community and NGOs, and adapt this information to UNHCR's specific orientation;

**No. 60 (XL) – 1989**

(i) *Encouraged* the High Commissioner in his development of training materials and courses to increase awareness of the specific needs and potential of refugee women and his initiative to involve non governmental organizations in this training; called upon him to expand this area in the future with a view to improved programme and project planning and in particular to further develop components to address the special protection concerns of refugee women;

**No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

- (i) Promote energetically the full and active participation of refugee women in the planning, implementation and evaluation/monitoring of all sectors of refugee programmes;
- (ii) Increase the representation of appropriately trained female staff across all levels of all organizations and entities which work in refugee programmes and ensure direct access of refugee women to such staff;
- (iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;
- (iv) Ensure that all refugees and the staff of relevant organizations and authorities are fully aware of, and support, the rights, needs and resources of refugee women and take appropriate specific actions;
- (v) Integrate considerations specific to the protection of refugee women into assistance activities from their inception, including when planning refugee camps and settlements, in order to be able to deter, detect and redress instances of physical and sexual abuse as well as other protection concerns at the earliest possible moment;
- (vi) Extend professional and culturally appropriate gender-based counselling as well as other related services to refugee women who are victims of abuse;
- (vii) Identify and prosecute persons who have committed crimes against refugee women and protect the victims of such crimes from reprisals;
- (viii) Issue individual identification and/or registration documents to all refugee women;
- (ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;
- (x) Provide for informed and active consent and participation of refugee women in individual decisions about durable solutions for them;
- (xi) Ensure that resettlement programmes make special provisions for refugee women at risk.

**No. 71 (XLIV) – 1993**

(x) *Calls upon* the High Commissioner to make every effort to ensure that the needs of refugee children, particularly unaccompanied minors, are fully met in UNHCR's overall protection and

assistance activities, through *inter alia* appropriate management support, training and monitoring, and encourages UNHCR to continue its cooperation with Governments, non-governmental organizations and intergovernmental organizations, including in particular the United Nations Children's Fund (UNICEF) and the Committee on the Rights of the Child, in the implementation of the Policy on Refugee Children and the UNHCR Guidelines on Refugee Children;

**No. 74 (XLV) – 1994**

(gg) *Urges* UNHCR, in cooperation with Governments, other United Nations and international and non-governmental organizations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health, nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion;

**No. 102 (LVI) – 2005**

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Acknowledging* that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and non-governmental organizations, together with displaced and host communities, are integral to effective identification, responses, monitoring and solutions,

**No. 107 (LVIII) – 2007 – Children at Risk**

*Recognizing* the important work done by the United Nations Children's Fund (UNICEF) and non-governmental organizations (NGOs) in relation to the protection of children,



## ***NON-REFOULEMENT***

### **Appeal to States**

*The Executive Committee,*

#### **No. 1 (XXVI) – 1975**

(b) *Fully endorsed* the proposal that at an appeal be made urging States Members of the United Nations and non-member States to conform fully with the humanitarian principles governing the protection of refugees and, in particular, to abide by the provisions of the 1951 Convention relating to the Status of Refugees and of its 1967 Protocol and scrupulously to observe the principle whereby no refugee should be forcibly returned to a country where he fears persecution;

#### **No. 17 (XXXI) – 1980**

(d) *Called upon* States to ensure that the principle of *non-refoulement* is duly taken into account in treaties relating to extradition and as appropriate in national legislation on the subject;

(e) *Expressed* the hope that due regard be had to the principle of *non-refoulement* in the application of existing treaties relating to extradition;

#### **No. 29 (XXXIV) – 1983**

(c) *Noted* with satisfaction that many States in different areas of the world-and in particular in developing countries faced with serious economic problems-have continued to apply recognized international humanitarian standards for the treatment of refugees and to respect the principle of *non-refoulement*;

#### **No. 50 (XXXIX) – 1988**

(g) *Recalled* its Conclusions No. 6 (XXVIII) and 7 (XXVIII) respectively on *non-refoulement* and expulsion and expressed deep concern that the fundamental prohibitions against expulsion and *refoulement* are often violated by a number of States and appealed to all States to abide by their international obligations in this regard and to cease such practices immediately;

#### **No. 52 (XXXIX) – 1988**

(5) *Invited* all States to continue actively to support the protection functions of the High Commissioner through all appropriate means, both bilateral and multilateral, as well as to abide by their own humanitarian responsibilities towards refugees, including, particularly, to safeguard the right to seek and enjoy asylum from persecution and to ensure full respect for the principle of *non-refoulement*.

#### **No. 55 (XL) – 1989**

(d) *Expressed* deep concern that refugee protection is seriously jeopardized in some States by expulsion and *refoulement* of refugees or by measures which do not recognize the special situation of refugees and called on all States to refrain from taking such measures and in particular from returning or expelling refugees contrary to fundamental prohibitions against these practices;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(iii) the difference between refugees and persons seeking to migrate for economic and related reasons, and the need for any refugee policy to respect fundamental distinctions between the two categories of people, and be fully consonant with the principles particular to, and essential for, the protection of refugees, including first asylum and *non-refoulement*;

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 68 (XLIII) – 1992**

(e) *Renews* its expressions of deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including numerous incidents of *refoulement*, expulsion, physical attacks on refugees and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the fundamental principles of refugee protection;

**No. 71 (XLIV) – 1993**

(g) *Calls upon* States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of *non-refoulement*;

**No. 74 (XLV) – 1994**

(g) *Calls* again upon States to uphold and strengthen asylum as an indispensable instrument for the international protection of refugees, to respect scrupulously the fundamental principle of *non-refoulement*, and to make every effort to ensure the safety and well-being of refugees within their jurisdiction;

**No. 77 (XLVI) – 1995**

(a) *Distressed* at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of *non-refoulement*, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers

without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 85 (XLIX) – 1998**

(q) *Strongly* deplors the continuing incidence and often tragic humanitarian consequences of *refoulement* in all its forms, including through summary removals, occasionally en masse, and reiterates in this regard the need to admit refugees to the territory of States, which includes no rejection at frontiers without access to fair and effective procedures for determining their status and protection needs;

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(i) Respect for the right to seek asylum, and for the fundamental principle of *non-refoulement*, should be maintained at all times;

**No. 99 (LV) – 2004**

(l) *Expresses concern* at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and *calls* on States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

**No. 103 (LVI) – 2005**

(m) *Affirms* that relevant international treaty obligations, where applicable, prohibiting *refoulement* represent important protection tools to address the protection needs of persons who are outside their country of origin and who may be of concern to UNHCR but who may not fulfil the refugee definition under the 1951 Convention and/or its 1967 Protocol; and *calls upon* States to respect the fundamental principle of *non-refoulement*;

**No. 108 (LIX) – 2008**

(a) *Calls upon* States to scrupulously respect the principle of *non-refoulement*;

**Comprehensive Approach**

*The Executive Committee,*

**No. 68 (XLIII) – 1992**

(r) *Recognizes*, in this regard, that new approaches should not undermine the institution of asylum, as well as other basic protection principles, notably the principle of *non-refoulement*;

**No. 71 (XLIV) – 1993**

(l) *Emphasizes* that such procedures, measures and agreements must include safeguards adequate to ensure in practice that persons in need of international protection are identified and that refugees are not subject to *refoulement*;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

**Definition / Character of Principle**

*The Executive Committee,*

**No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

(b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of *non-refoulement*;

**No. 17 (XXXI) – 1980**

(b) *Reaffirmed* the fundamental character of the generally recognized principle of *non-refoulement*;

**No. 19 (XXXI) – 1980**

(a) *Reaffirmed* the need for the humanitarian legal principle of *non-refoulement* to be scrupulously observed in all situations of large-scale influx;

**No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

I. General

2. Asylum seekers forming part of such large-scale influx situations are often confronted with difficulties in finding durable solutions by way of voluntary repatriation, local settlement or resettlement in a third country. Large-scale influxes frequently create serious problems for States, with the result that certain States, although committed to obtaining durable solutions, have only found it possible to admit asylum seekers without undertaking at the time of admission to provide permanent settlement of such persons within their border.

**No. 25 (XXXIII) – 1982**

(b) *Reaffirmed* the importance of the basic principles of international protection and in particular the principle of *non-refoulement* which was progressively acquiring the character of a peremptory rule of international law;

**No. 42 (XXXVII) – 1986**

(c) *Recognized* that these instruments incorporate fundamental principles of refugee law including the principle of *non-refoulement* and lay down minimum standards for the treatment of refugees and thus constitute the corner-stone of international protection;

**No. 53 (XXXIX) – 1988**

*Recommended* that States and UNHCR take into account the following guidelines when dealing with actual cases of stowaway asylum-seekers:

(1) Like other asylum-seekers, stowaway asylum-seekers must be protected against forcible return to their country of origin.

**No. 58 (XL) – 1989**

(f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if

(i) they are protected there against *refoulement*

**No. 65 (XLII) – 1991**

(c) *Emphasizes* the primary importance of *non-refoulement* and asylum as cardinal principles of refugee protection and encourages States to intensify their efforts to protect the rights of refugees, to prevent them from becoming the object of armed attacks in camps or settlements, to avoid unnecessary and severe curtailment of their freedom of movement, to ensure conditions of asylum compatible with recognized international standards, and to facilitate their stay in countries of asylum, including through the issue of necessary personal documentation and permission to return after travel abroad;

**No. 68 (XLIII) – 1992**

(f) *Reaffirms* the primary importance of the principles of *non-refoulement* and asylum as basic to refugee protection;

**No. 74 (XLV) – 1994**

(r) *Considers* that temporary protection, which has been described by the High Commissioner in the context of the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia as including admission to safety, respect for basic human rights, protection against *refoulement*, and safe return when conditions permit to the country of origin, can be of value as a pragmatic and flexible method of affording international protection of a temporary nature in situations of conflict or persecution involving large scale outflows;

**No. 79 (XLVII) – 1996**

(i) *Distressed* at the widespread violations of the principle of *non-refoulement* and of the rights of refugees, in some cases resulting in loss of refugee lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been *refouled* and expelled in highly dangerous situations; recalls that the principle of *non-refoulement* is not subject to derogation

(j) *Reaffirms* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are grounds for believing that they would be in danger of being subjected to torture, as set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 85 (XLIX) – 1998**

(aa) *Stresses* that, as regards the return to a third country of an asylum-seeker whose claim has yet to be determined from the territory of the country where the claim has been submitted, including pursuant to bilateral or multilateral readmission agreements, it should be established that the third country will treat the asylum-seeker (asylum-seekers) in accordance with accepted international standards, will ensure effective protection against *refoulement*, and will provide the asylum-seeker (asylum-seekers) with the possibility to seek and enjoy asylum;

**No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

**No. 100 (LV) – 2004**

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

**No. 103 (LVI) – 2005**

*Reaffirming* that the 1951 Convention relating to the Status of Refugees together with its 1967 Protocol continue to serve as the cornerstone of the international refugee protection regime; and *noting in this regard* the fundamental importance of their full application by State Parties, including that of the fundamental principle of *non-refoulement*,

(l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;

(m) *Affirms* that relevant international treaty obligations, where applicable, prohibiting *refoulement* represent important protection tools to address the protection needs of persons who are outside their country of origin and who may be of concern to UNHCR but who may not fulfil the refugee definition under the 1951 Convention and/or its 1967 Protocol; and *calls upon* States to respect the fundamental principle of *non-refoulement*;

## **Disregard of Principle / Violations of Rights / Personal Security**

*The Executive Committee,*

**No. 3 (XXVIII) – 1977**

(a) *Was gravely preoccupied* that in a number of cases the basic human rights of refugees had still not been respected, that refugees had been subjected to physical violence, to unjustified and unduly

prolonged measures of detention and to measures of forcible return in disregard of the principle of *non-refoulement*.

**No. 11 (XXIX) – 1978**

(d) *Recalled* the Conclusions adopted at the twenty-eighth session concerning the importance of the observance of the principle of *non-refoulement* and was gravely preoccupied that this principle had, in a number of cases, still been disregarded;

**No. 14 (XXX) – 1979**

(c) *Noted* with concern that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of *non-refoulement* and that refugees arriving by sea had been refused even temporary asylum with resulting danger to their lives and had in many cases perished on the high seas;

**No. 15 (XXX) – 1979**

(b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of *non-refoulement*;

**No. 16 (XXXI) – 1980**

(e) *Expressed* serious concern that there were still cases in which the fundamental principle of *non-refoulement* had been disregarded or in which refugees had been exposed to physical danger or violence;

**No. 21 (XXXII) – 1981**

(f) *Noted* with particular concern that in certain areas refugees have been refused asylum, have been rejected at the frontier or subjected to measures of expulsion or forcible return in disregard of the fundamental principle of *non-refoulement* and that asylum seekers had been the victims of physical violence;

**No. 25 (XXXIII) – 1982**

(c) *Expressed* concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

**No. 33 (XXXV) – 1984**

(c) *Noted* with concern that in different parts of the world the fundamental principle of *non-refoulement* had been violated;

**No. 41 (XXXVII) – 1986**

(j) *Noted* with concern that in different areas of the world, the basic rights of refugees and asylum-seekers have been seriously violated and that refugees and asylum-seekers have been exposed to physical violence, acts of piracy and forcible return to their country of origin in disregard of the principle of *non-refoulement*;



**No. 46 (XXXVIII) – 1987**

(c) *Noted* with particular concern the continued violation of the principle of *non-refoulement* in various parts of the world;

**No. 61 (XLI) – 1990**

(c) *Expresses* strong concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, *refoulement* and other threats to the physical security, dignity and well-being of refugees;

**No. 68 (XLIII) – 1992**

(e) *Renews* its expressions of deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including numerous incidents of *refoulement*, expulsion, physical attacks on refugees and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the fundamental principles of refugee protection;

**No. 71 (XLIV) – 1993**

(f) *Notes* however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, *refoulement* and unjustified detention, as well as other threats to their physical security, dignity and well-being

**No. 72 (XLIV) – 1993**

*Reaffirming* the responsibility of States to respect and ensure the fundamental human rights of refugees and asylum-seekers to life, liberty and security of person as well as to freedom from torture or other cruel, inhumane or degrading treatment or punishment,

**No. 74 (XLV) – 1994**

(f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

**No. 85 (XLIX) – 1998**

(b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

(q) *Strongly deplors* the continuing incidence and often tragic humanitarian consequences of *refoulement* in all its forms, including through summary removals, occasionally en masse, and reiterates in this regard the need to admit refugees to the territory of States, which includes no rejection at frontiers without access to fair and effective procedures for determining their status and protection needs;

**No. 89 (LI) – 2000**

*Welcoming* the continued grant of asylum to large numbers of refugees by many States but deeply disturbed by violations of internationally recognized rights of refugees which include *refoulement* of refugees, militarization of refugee camps, participation of refugee children in military activities,

gender-related violence and discrimination directed against refugees, particularly female refugees, and arbitrary detention of asylum-seekers and refugees; also concerned about the less than full application of international refugee instruments by some States Parties;

**No. 102 (LVI) – 2005**

(j) *Recalls* its Conclusions No. 6 (XXVII) and 7 (XXVIII), as well as numerous subsequent references made in its other Conclusions to the principle of *non-refoulement*; *expresses* deep concern that refugee protection is seriously jeopardized by expulsion of refugees leading to *refoulement*; and *calls on* States to refrain from taking such measures and in particular from returning or expelling refugees contrary to the principle of *non-refoulement*;

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

## OLDER PERSONS OF CONCERN

*The Executive Committee,*

### **No. 32 (XXXIV) – 1983**

(a) *Expressed* profound concern at the continuation of military or armed attacks on refugee camps and settlements which was causing untold suffering to refugees, including women and children and elderly persons;

### **No. 85 (XLIX) – 1998**

(l) *Notes* that 1999 has been declared the International Year of Older Persons, and calls upon UNHCR to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

### **No. 87 (L) – 1999**

(p) *Taking into account* that elderly refugees are particularly affected by social disintegration, chronic dependency and other adverse aspects of the refugee condition, *calls on* States, UNHCR and other concerned actors to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

### **No. 89 (LI) – 2000**

*Affirming* the importance of according priority attention to the protection needs of women, children, adolescents, and the elderly in the planning and implementation of UNHCR programmes and State policies;

### **No. 90 (LII) – 2001**

(i) *Stresses* the importance of according special attention to the protection needs of vulnerable refugees, including women, children and the elderly, in the application of the international refugee instruments and related protection standards;

### **No. 100 (LV) – 2004**

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

**No. 101 (LV) – 2004**

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and stresses in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

**No. 104 (LVI) – 2005 – Local Integration**

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

## PALESTINIANS

*The Executive Committee,*

**No. 46 (XXXVIII) – 1987**

(e) *Expressed* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs;

**No. 50 (XXXIX) – 1988**

(f) *Expressed* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would continue within the United Nations system to address their protection needs;

**No. 55 (XL) – 1989**

(j) *Expressed* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would continue within the United Nations system to address their protection needs;

**No. 61 (XLI) – 1990**

(h) *Expresses* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hopes that efforts would continue within the United Nations system to address their protection needs;

**No. 65 (XLII) – 1991**

(d) *Expresses* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would continue within the United Nations system to address their protection needs;

**No. 68 (XLIII) – 1992**

(h) *Expressed* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would continue within the United Nations systems to address their protection needs;

**No. 71 (XLIV) – 1993**

(z) *Expresses* concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and, while noting recent positive developments, calls upon the international community to continue its endeavours to address satisfactorily their protection needs;

## PARTICIPATION / COMMUNITY DEVELOPMENT APPROACH / EMPOWERMENT

*The Executive Committee,*

### **No. 98 (LIV) – 2003**

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(iii) Ensuring that actions undertaken on behalf of refugees and asylum-seekers, including women, children and vulnerable persons, enhance their meaningful participation in decision-making processes; that they are provided with sufficient information to form their opinions, and channels for communicating their concerns to humanitarian agencies, and are provided with full information about refugee protection and available assistance;

(c) *Urges* all States, consistent with applicable international refugee, human rights and humanitarian law:

(ii) to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

### **No. 99 (LV) – 2004**

(h) *Welcomes* the significant achievements in voluntary repatriation over the course of the past year<sup>[3]</sup> and the further potential for the sustainable voluntary return of considerable numbers of refugees, as a result of peacemaking, reconciliation and reconstruction efforts which have contributed to the resolution of certain long-running conflicts; *acknowledges* the importance of ensuring the ongoing voluntary nature of refugee returns and the full and equal participation of refugee women in the pursuit of voluntary repatriation and the consolidation of sustainable reintegration<sup>[4]</sup>; and *urges* States, UNHCR and other relevant actors to strengthen their efforts to provide durable solutions for refugees and other persons of concern;

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

[3] An illustrative list of major voluntary return operations is included in Section VII of the 2004 Note on International Protection, A/AC.96/989.

[4] In accordance with Security Council Resolution 1325 on Women, Peace and Security.

**No. 100 (LV) – 2004**

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

**No. 102 (LVI) – 2005**

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalise the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

(m) *Recognizes* that the participation of refugee women and men in the economic life of the host country is an important means of facilitating their active contribution to the attainment of their own self-reliance; and *encourages* State Parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement and other important rights underpinning self-reliance;

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

(t) *Reaffirms* the importance of timely and adequate assistance and protection for refugees; that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection; *notes* the importance of a rights and community-based approach in engaging constructively with individual refugees and their communities to achieve fair and equitable access to food, and other forms of material assistance; and *expresses concern* in regard to situations where minimum standards of assistance are not met, including situations where adequate needs assessments have yet to be undertaken;

**No. 104 (LVI) – 2005 – Local Integration**

(f) *Urges* States and UNHCR to continue working proactively on local integration where appropriate and feasible and in a manner that takes into account the needs and views of both refugees and their hosting communities;

(i) *Notes* that characteristics which may assist in determining circumstances in which local integration can be an appropriate durable solution could include, subject to States' consideration:

- i. refugees born in asylum countries who might otherwise become stateless; and/or

ii. refugees who, due to their personal circumstances including the reasons prompting their flight, are unlikely to be able to repatriate to their country of origin in the foreseeable future; and/or

iii. refugees who have established close family, social, cultural and economic links with their country of asylum, including those who already have, or have the capacity to attain, a considerable degree of socio-economic integration.

(m) *Notes* the important part, subject to States' consideration, self-reliance plays in the economic dimension of local integration of refugees whereby individuals, households and communities are enabled increasingly to become self-sufficient and can contribute to the local economy, and in this respect:

i. *recognizes* that the protection, in all States, of basic civil, economic and social rights, including freedom of movement and the right to engage in income-generating activities is essential to the achievement of self-reliance of refugees;

ii. *encourages* all States hosting refugees to consider ways in which refugee employment and active participation in the economic life of the host country can be facilitated, *inter alia*, through education and skills development, and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment; and in this regard, *affirms* the relevance of the 1951 Convention in providing a framework for the creation of conditions conducive to the self-reliance of refugees;

iii. *encourages* States, wherever possible, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country;

iv. *notes* that facilitating refugees' access to agricultural land in rural areas where appropriate and when feasible is a positive contribution by all States, which can help foster opportunities for self-reliance and enhance the food security of refugees and the local population;

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

(r) *Recognizes* the importance, in the interest of burden and responsibility sharing, of international cooperation and assistance for building the capacity of developing countries and countries with economies in transition with limited resources so as to assist these States in integrating refugees locally, where appropriate and feasible; and *recommends* that the planning, design and implementation of local integration programmes include elements aimed at strengthening the capacity of host State institutions, local communities, and civil society, including non-governmental organizations, refugees and their communities;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,



(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;

ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and

iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

viii. The active promotion of gender equality is essential to the protection of girls and boys, particularly those at heightened risk;

##### Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;

#### **No. 108 (LIX) – 2008**

*Urging* UNHCR and its partners to continue to draw appropriately upon relevant international humanitarian and human rights law and, in cooperation with States, to adopt a rights- and community-based approach in engaging constructively with individual persons of concern and their communities in their work, including through partnership with relevant international and national human rights, humanitarian and development organizations and the active and inclusive participation of persons of concern,

## PARTNERSHIPS

*The Executive Committee,*

### **No. 54 (XXXIX) – 1988 – Refugee Women**

Encouraged the High Commissioner to develop training modules to be offered to UNHCR staff and implementing partners to increase their awareness of the specific needs of refugee women and practical means of addressing these needs;

### **No. 60 (XL) – 1989 – Refugee Women**

m) *Called on* operational partners to support the High Commissioner by: expanding their own activities in gender impact training, including provision for an assessment of impact on refugee women in their project agreements and self-evaluation reports, and exchanging information with other organizations having experience in women's issues.

### **No. 65 (XLII) – 1991**

(e) Encourages UNHCR, both at Headquarters and in the field, actively to promote greater support and understanding of UNHCR's policy and activities on behalf of refugee women. including with UNHCR's implementing partners and all appropriate national or international fora where protection problems of refugee women or girls are at issue;

### **No. 83 (XLVIII) – 1997 – Safety of UNHCR Staff and Other Humanitarian Personnel**

Noting that the local and international staff of UNHCR and its implementing partners, as well as other humanitarian personnel, are increasingly required to operate in conflict areas and under hazardous conditions entailing physical risk and mental stress,

(b) Calls upon States and all concerned parties:

(i) to refrain from any actions which prevent or obstruct the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, from performing the functions required under their mandates;

(ii) to take all possible measures to safeguard the physical security and property of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel;

(iii) to facilitate the discharge of the mandated functions of UNHCR and its implementing partners, as well as of other humanitarian organizations;

(c) Requests States to take all necessary steps to investigate fully any crime committed against the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, and to bring to justice persons responsible for such crimes;

(d) Reaffirms that it continues to be seriously concerned about the stress and safety situation of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel, and: ...

(ii) calls upon the High Commissioner to continue to bring this issue to the attention of the Advisory Committee on Coordination, with a view to drawing up, in consultation with the Office of the United Nations Security Coordinator, recommendations on measures to be taken to improve

security for the staff of UNHCR and its implementing partners, as well as other of humanitarian personnel.

**No. 84 (XLVIII) – 1997 – Refugee Children and Adolescents**

(c) Calls upon UNHCR to continue to integrate fully the rights of the child into its policies and programmes; improve its operational methods for assessing the needs of child and adolescent refugees; train its staff and implementing partners accordingly; formulate preventive strategies; and strengthen collaboration with States, UNICEF, WFP, the Office of the High Commissioner for Human Rights, ICRC, non-governmental organizations, and other concerned actors;

**No. 87 (L) – 1999**

(g) *Reaffirms* Conclusion No. 85 (XLIX) para. (d), and *calls on* all interested parties to turn concentrated attention towards revitalizing old partnerships and building new ones in support of the international refugee protection system, in a spirit of international solidarity and burden-sharing;

**No. 89 (LI) – 2000**

*Recognizing* that international protection is a dynamic and action-oriented function, carried out, in co-operation with States and other partners, to promote and facilitate admission, reception, treatment of refugees and to ensure protection-oriented solutions, towards the overall goal of enhancing respect for the rights of refugees and resolving their problems;

**No. 90 (LII) – 2001**

(n) *Recognizes* the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and *notes* that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and coordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and *encourages* States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;

(q) *Encourages* UNHCR to continue to make available its technical and advisory services to avoid and reduce cases of statelessness and, in this regard, to strengthen partnerships with regional and other international organizations working in this area;

**No. 92 (LIII) – 2002**

(d) *Requests* UNHCR also to disseminate the Agenda for Protection widely and to engage partners actively in its follow-up, especially by undertaking further discussion with States, including in the Standing Committee framework, to establish priorities for follow-up activities;

(g) *Invites* States to cooperate with UNHCR in monitoring the progress in the implementation of the Agenda for Protection by all concerned partners;

**No. 94 (LIII) – 2002 – Conclusion on the civilian and humanitarian character of asylum**

(h) *Calls upon* UNHCR to explore how it may develop, in consultation with relevant partners, its own institutional capacity to address insecurity in refugee camps, *inter alia* by assisting States to ensure the physical safety and dignity of refugees, building, as appropriate, upon its protection and operational expertise.

**No. 95 (LIV) – 2003**

(j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;

(y) *Calls on* UNHCR to continue to provide technical and advisory services concerning statelessness to all interested States and partners.

**No. 98 (LIV) – 2003 – Conclusion on Protection from Sexual Abuse and Exploitation**

*Welcoming* UNHCR's efforts to address the problem through the promulgation and implementation of a Code of Conduct for UNHCR staff, in accordance with the plan of action of the Inter-Agency Standing Committee's Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises; and the amendment of its programme implementation subagreements to include a requirement for implementing partners to have similar Codes of Conduct and for these to be implemented fully;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(f) *Calls on* UNHCR to support its internal investigation capacity within the Inspector General's Office to ensure that the Office is able to react swiftly and effectively to ascertain the veracity of any allegations of sexual abuse or exploitation by UNHCR or implementing partner staff;

**No. 99 (LV) – 2004**

(j) *Strongly condemns* all attacks on humanitarian personnel, including local and international staff of UNHCR and its implementing partners; *deplores* the rising toll of casualties and mortalities among such personnel; and *urges* States to fully investigate such attacks and bring the perpetrators to justice in accordance with international law and national law;

(r) *Strongly encourages* States, UNHCR, and all relevant actors, whether alone or in partnership, to strengthen action to prevent and respond to sexual and gender-based violence, in particular through carrying out their respective responsibilities for the introduction of standard operating procedures, the rigorous implementation of relevant UNHCR Guidelines<sup>[5]</sup> and related measures highlighted by the Executive Committee in its Conclusion No. 98 (LIV) of 2003, as well as through the active use of resettlement, when appropriate, to ensure protection and a durable solution for victims of sexual and gender-based violence;

<sup>[5]</sup> Including the May 2003 *Guidelines for Prevention and Response to Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons*.

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

**No. 102 (LVI) – 2005**

(g) *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of humanitarian personnel and an obstacle to the effective fulfilment of UNHCR's mandate, and the ability of UNHCR's implementing partners and other humanitarian personnel to discharge their respective humanitarian functions; and calls on States and concerned parties to take all possible measures to ensure the safety and security of UNHCR personnel and property and that of all humanitarian organizations discharging UNHCR mandated functions;

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalise the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the nondiscriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

(q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;

(w) *Acknowledges* that access to HIV and AIDS prevention, care and treatment, as far as possible in a manner comparable with the services available to the local hosting community, is increasingly recognized by States as an essential component in the protection of refugees, returnees and other persons of concern; *encourages* UNHCR to pursue activities in this regard, in close collaboration with relevant partners, in particular in the implementation of the objectives agreed in the UNAIDS Unified Budget Work Plan, ensuring specific emphasis on the rights of refugee women and children affected by the pandemic; and *notes* the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

(x) *Notes with interest* the results of the Humanitarian Response Review and *welcomes* the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; *takes note* also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; *encourages* UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons' protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; *looks forward* to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and

assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications;

#### **No. 104 (LVI) – 2005 – Local Integration**

(s) *Stresses* the importance of including refugee hosting areas in national development plans and strategies of the host country for sustainable funding; *notes* the relevance, in this respect, of the common country assessments (CCA) and United Nations Development Assistance Frameworks (UNDAF), as well as Poverty Reduction Strategy Papers (PRSP); and *notes* the value of the Development through Local Integration (DLI) integrated programming approach as a methodology for partnerships with donor countries, financial institutions and with United Nations and other development agencies.

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

*Acknowledging* that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and nongovernmental organizations, together with displaced and host communities, are integral to effective identification, responses, monitoring and solutions,

##### Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>1</sup> including through provision of quality health services to address the specific needs of women and girls at risk;
- ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;
- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;

- iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;
- v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and
- vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

- i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;
- ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and
- iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

#### Individual responses and solutions

(m) Recommended actions by States, UNHCR, other relevant agencies and partners to respond to the situation of individual women and girls at risk are listed non-exhaustively below.

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;
- ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

- iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and
- iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

- i. monitor on an ongoing basis initiatives taken with regard to individual safety, wellbeing and needs and ensure accountability for actions taken;
- ii. help secure the access of women and girls at risk to justice and reduce impunity, including by advising, accompanying and supporting them through initiatives such as women's legal clinics, local women's associations, witness relocation programmes and mobile courts in remote areas; and
- iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;
- ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;
- iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;
- iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and
- v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.



(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

**No. 107 (LVIII) – 2007 – Children at Risk**

(a) *Adopts* this Conclusion which provides operational guidance for States, UNHCR and other relevant agencies and partners, including through identifying components that may form part of a comprehensive child protection system, with the aim of strengthening the protection of children at risk;

Fundamentals of child protection

(b) *Recognizes* that strategies and actions under this operational guidance should be underpinned by the following principles and approaches, amongst others:

iii. The support provided by UNHCR and other relevant agencies and partners in helping States fulfil their obligations should supplement and strengthen the national child protection system in areas where gaps exist, and be delivered in a spirit of partnership by building on each actor's comparative advantages to reinforce the beneficial impact on the protection of children;

iv. States, UNHCR, and other relevant agencies and partners shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child, and that mechanisms exist to inform children and adults alike of children's rights and options;

xiii. A collaborative approach whereby all relevant actors work together to: identify risks faced by children; undertake participatory situation and comprehensive gap analyses to identify, assess and respond to the wider environmental and individual factors placing children at heightened risk; and document and share information with due respect for rules of confidentiality;

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. ...

(e) *Recognizes* that individual, careful and prompt registration of children can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;

(f) *Recognizes* that the systematic collection and analysis of age- and sex-disaggregated data, and of data on children with specific needs, such as unaccompanied and separated children, can be useful for States, UNHCR and other relevant agencies and partners in identifying children at heightened risk;



### Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;
- ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;
- iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;
- iv. Establish confidential, accessible and child and gender-friendly complaints and referral systems, in coordination with national authorities when necessary, with clear roles for receiving, referring and addressing complaints from or about a child while ensuring the safety of the child, and for managing case files; children should be adequately informed about the availability of complaint and remedial mechanisms;
- v. Promote the implementation of mechanisms for monitoring the protection of children at risk, particularly of those in alternative care arrangements;
- vi. Strengthen or promote the establishment of child protection committees, as appropriate, with equal and meaningful participation of girls and boys;
- vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;
- viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;
- ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;
- x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-

sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;

xii. Support the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas as well as expand national protection capacities for addressing the needs of children in particular; and

xiii. Mobilize financial and other necessary resources, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;

ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

vii. Take effective and appropriate measures, including legislative, administrative and judicial, to prevent and eliminate traditional practices that are harmful to children taking into account the physical and mental harm caused to the child, and the different impact on girls and boys;

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

xiv. Facilitate the provision of child-friendly information on the conditions in places of return to enable refugee and internally displaced children, in particular those unaccompanied and separated and others at heightened risk, to participate in decision-making on their return; promote respect for protection of children's inheritance rights; and provide, where possible and appropriate, child- and gender-sensitive/adapted reintegration support on integration and participation in the communities to which they are returning, targeting and recognizing the specific needs of the returning child;

xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;

xvi. Facilitate the integration of internally displaced children in places of settlement through targeted action in support of their integration as fully included members of the community, including by taking measures to address discrimination faced by internally displaced children;

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of

the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

#### **No. 108 (LIX) – 2008**

*Urging* UNHCR and its partners to continue to draw appropriately upon relevant international humanitarian and human rights law and, in cooperation with States, to adopt a rights- and community-based approach in engaging constructively with individual persons of concern and their communities in their work, including through partnership with relevant international and national human rights, humanitarian and development organizations and the active and inclusive participation of persons of concern,

##### Age, gender and diversity mainstreaming approach

(g) *Welcomes* the AGDM Accountability Framework, and *urges* the Office to address resolutely all outstanding obstacles to embedding the strategy more comprehensively within and across the organization, resourcing as fully as possible the priorities in this area and expanding and deepening partnerships;

##### Refugees and others of concern with disabilities

(k) *Urges* UNHCR and its partners to take all necessary measures to actively promote and achieve inclusion of persons with disabilities, at all stages: displacement, temporary settlement and in the search for durable solutions, in order to reduce the gap between principles and standards and the reality experienced by displaced persons with disabilities;

##### Internal displacement

(u) *Notes* UNHCR's consideration of the Principles of Partnership developed by the Global Humanitarian Platform;

## PERSECUTION

### **Asylum / Non-refoulement**

*The Executive Committee,*

#### **No. 6 (XXVIII) – 1977**

(c) *Reaffirms* the fundamental importance of the observance of the principle of *non-refoulement* – both at the border and within the territory of a State of persons who may be subjected to persecution if returned to their country of origin irrespective of whether or not they have been formally recognized as refugees.

#### **No. 14 (XXX) – 1979**

(c) *Noted* with concern that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of *non-refoulement* and that refugees arriving by sea had been refused even temporary asylum with resulting danger to their lives and had in many cases perished on the high seas;

#### **No. 15 (XXX) – 1979**

(b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of *non-refoulement*;

#### **No. 52 (XXXIX) – 1988**

(5) *Invited* all States to continue actively to support the protection functions of the High Commissioner through all appropriate means, both bilateral and multilateral, as well as to abide by their own humanitarian responsibilities towards refugees, including, particularly, to safeguard the right to seek and enjoy asylum from persecution and to ensure full respect for the principle of *non-refoulement*.

#### **No. 75 (XLV) – 1994**

(l) *Emphasizes* that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

#### **No. 77 (XLV) – 1995**

(a) *Distressed* at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of *non-refoulement*, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;

#### **No. 79 (XLVII) – 1996**

(j) *Reaffirms* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where

their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are grounds for believing that they would be in danger of being subjected to torture, as set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

## Cessation of Refugee Status

*The Executive Committee,*

**No. 15 (XXX) – 1979**

(m) States should pay particular attention to the need for avoiding situations in which a refugee loses his right to reside in or to return to his country of asylum without having acquired the possibility of taking up residence in a country other than one where he may have reasons to fear persecution;

**No. 69 (XLII) – 1992**

(a) *Stresses* that, in taking any decision on application of the cessation clauses based on “ceased circumstances”, States must carefully assess the fundamental character of the changes in the country of nationality or origin, including the general human rights situation, as well as the particular cause of fear of persecution, in order to make sure in an objective and verifiable way that the situation which justified the granting of refugee status has ceased to exist;

(c) *Emphasizes* that the “ceased circumstances” cessation clauses shall not apply to refugees who continue to have a well-founded fear of persecution;



**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(o) *Recommends* that, where it is appropriate to consider the ending of complementary forms of protection, States adopt criteria which are objective and clearly and publicly enunciated; and *notes* that the doctrine and procedural standards developed in relation to the cessation clauses of Article 1C of the 1951 Convention may offer helpful guidance in this regard;

**Extradition**

*The Executive Committee,*

**No. 15 (XXX) – 1979**

(m) States should pay particular attention to the need for avoiding situations in which a refugee loses his right to reside in or to return to his country of asylum without having acquired the possibility of taking up residence in a country other than one where he may have reasons to fear persecution;

**No. 17 (XXXI) – 1980**

(c) *Recognized* that refugees should be protected in regard to extradition to a country where they have well-founded reasons to fear persecution on the grounds enumerated in Article 1(A)(2) of the 1951 United Nations Convention relating to the Status of Refugees

**Fear of Persecution in Country of Asylum**

*The Executive Committee,*

**No. 15 (XXX) – 1979**

(k) Where a refugee who has already been granted asylum in one country requests asylum in another country on the ground that he has compelling reasons for leaving his present asylum country due to fear of persecution or because his physical safety or freedom are endangered, the authorities of the second country should give favourable consideration to his asylum request;

**No. 58 (XL) – 1989**

(g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously found protection. Such cases should be given favourable consideration by the authorities of the State where he requests asylum;

**Gender-Related Persecution / Sexual Violence**

*The Executive Committee,*

**No. 73 (XLIV) – 1993**

(a) *Strongly condemns* persecution through sexual violence, which not only constitutes a gross violation of human rights, as well as, when committed in the context of armed conflict, a grave breach of humanitarian law, but is also a particularly serious offense to human dignity;

(g) Recommends that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;

**No. 77 (XLVI) – 1995**

(g) *Calls upon* the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines, and by monitoring to ensure their fair and consistent application. In accordance with the principle that women's rights are human rights, these guidelines should recognize as refugees women whose claim to refugee status is based upon well-founded fear of persecution for reasons enumerated in the 1951 Convention and 1967 Protocol, including persecution through sexual violence or other gender-related persecution;

**No. 79 (XLVII) – 1996**

(o) *Recalls* its request that UNHCR support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, welcomes in this context the convening by UNHCR in February 1996 of the Symposium on Gender-Based Persecution, the purpose of which was to share information on States' initiatives in this respect, and encourages UNHCR to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution; and calls on States to adopt an approach that is sensitive to gender-related concerns and which ensures that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and its 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees;

**No. 81 (XLVIII) – 1997**

(t) *Reaffirms* its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL), 64 (XLI) and 73 (XLIV), and urges States, UNHCR, and other humanitarian organizations, as appropriate, to take all necessary steps to implement these Conclusions, including through recognizing as refugees women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution; by the integration of activities on behalf of refugee women in every aspect of programme planning and implementation; and by taking action to eliminate incidents of violence against women and girls;

**No. 87 (L) – 1999**

(n) *Notes* with appreciation special efforts by States to incorporate gender perspectives into asylum policies, regulations and practices; encourages States, UNHCR and other concerned actors to promote wider acceptance, and inclusion in their protection criteria of the notion that persecution may be gender-related or effected through sexual violence; further encourages UNHCR and other concerned actors to develop, promote and implement guidelines, codes of conduct and training programmes on gender-related refugee issues, in order to support the mainstreaming of a gender perspective and enhance accountability for the implementation of gender policies;

**No. 95 (LIV) – 2003**

(f) *Recognizes* the importance for States to promote an age and gender-sensitive approach in the application of international refugee instruments and for UNHCR to ensure consideration of age and gender in its policy making and operations through further mainstreaming;

**No. 98 (LIV) – 2003**

Noting the issuance in May 2003 of UNHCR's revised *Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations*, as well as the UNHCR *Guidelines on International Protection, Gender-Related Persecution*, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

- i. Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;

**No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

**No. 107 (LVIII) – 2007 – Children at Risk**Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

**Reasons for Persecution**

*The Executive Committee,*

**No. 17 (XXXI) – 1980**

(a) *Recognized* that refugees should be protected in regard to extradition to a country where they have well-founded reasons to fear persecution on the grounds enumerated in Article 1(A)(2) of the 1951 United Nations Convention relating to the Status of Refugees;

**No. 73 (XLIV) – 1993**

(d) *Supports* the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;

**No. 77 (XLVI) – 1995**

(g) *Calls upon* the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines, and by monitoring to ensure their fair and consistent application. In accordance with the principle that women's rights are human rights, these guidelines should recognize as refugees women whose claim to refugee status is based upon well-founded fear of persecution for reasons enumerated in the 1951 Convention and 1967 Protocol, including persecution through sexual violence or other gender-related persecution;

**No. 79 (XLVII) – 1996**

(o) *Recalls* its request that UNHCR support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, welcomes in this context the convening by UNHCR in February 1996 of the Symposium on Gender-Based Persecution, the purpose of which was to share information on States' initiatives in this respect, and encourages UNHCR to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution; and calls on States to adopt an approach that is sensitive to gender-related concerns and which ensures that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and its 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees.

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects;

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 85 (XLIX) – 1998**

(c) *Expresses* deep concern about the increasing use of war and violence as a means to carry out persecutory policies against groups targeted on account of their race, religion, nationality, membership of a particular social group, or political opinion;

**No. 97 (LIV) – 2003**

*Concerned* about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum

systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

## **War / Armed Conflict**

*The Executive Committee,*

### **No. 59 (XL) – 1989**

(i) *Urged* UNHCR to intensify efforts to increase public awareness of the situation and needs of refugee children and of the impact of armed conflict and persecution on them;

### **No. 74 (XLV) – 1994**

(l) *Recognizes* that, while persons who are unable to return in safety to their countries of origin as a result of situations of conflict may or may not be considered refugees within the terms of the 1951 Convention and 1967 Protocol, depending on the particular circumstances, they nonetheless are often in need of international protection, humanitarian assistance and a solution to their plight;

(n) *Recognizes* that in Africa and Latin America, regional instruments provide for the protection of refugees fleeing armed conflict and civil strife, as well as those fearing persecution, and that in other regions, persons who require international protection, but who either are not considered refugees within the scope of the 1951 Convention and 1967 Protocol or are in countries that have not acceded to these instruments, have generally been provided protection and humanitarian assistance through specific measures adopted by States and in full cooperation with UNHCR;

### **No. 85 (XLIX) – 1998**

(c) *Expresses* deep concern about the increasing use of war and violence as a means to carry out persecutory policies against groups targeted on account of their race, religion, nationality, membership of a particular social group, or political opinion;

### **No. 97 (LIV) – 2003**

*Concerned* about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

## PERSONAL SECURITY / PHYSICAL VIOLENCE

### Appeals to States, UNHCR and Others

*The Executive Committee,*

#### **No. 20 (XXXI) – 1980**

(g) *Called upon* the United Nations High Commissioner for Refugees in co-operation with the International Committee of the Red Cross and other interested organizations actively to seek the co-operation of the international community to intensify efforts aimed at protecting refugees who are victims of acts of violence, particularly those at sea.

#### **No. 25 (XXXIII) – 1982**

(l) *Expressed* the hope that an informal meeting of the Sub-Committee would be held as early as possible in 1983 to consider further the question of military attacks on refugee camps and settlements of concern to the High Commissioner, or other questions relating to the physical safety of refugees and asylum-seekers.

#### **No. 29 (XXXIV) – 1983**

(b) *Noted* that the High Commissioner's international protection function includes, in addition to promoting the development and observance of basic standards for the treatment of refugees, promoting, by all means within his competence, measures to ensure the physical safety of refugees and asylum-seekers;

(j) *Recognized* the importance of developing standards of protection by maintaining a constant dialogue with Governments, non-governmental organizations and academic institutions and of filling lacunae in international refugee law, particularly as regards asylum-seekers whose status has not been determined and as regards the physical protection of refugees and asylum-seekers;

#### **No. 44 (XXXVII) – 1986**

(f) *Stressed* that conditions of detention of refugees and asylum seekers must be humane. In particular, refugees and asylum-seekers shall, whenever possible, not be accommodated with persons detained as common criminals, and shall not be located in areas where their physical safety is endangered;

#### **No. 46 (XXXVIII) – 1987**

(f) *Reiterated* the High Commissioner's leading role in respect of the protection of refugees and called on him in particular to continue to take, alone or in co-operation with concerned States and agencies, all possible measures to ensure their physical security, *inter alia*, with respect to physical violence, piracy, military and armed attacks, and arbitrary detention;

#### **No. 54 (XXXIX) – 1988**

*Called* for the reinforcement of the preventive measures initiated by the Office and concerned agencies to enhance the physical security of refugee women;

**No. 55 (XL) – 1989**

(c) *Recognized* that the safety and physical integrity of refugees depend on respect for the basic protection principles and urged States to continue to admit and receive refugees, pending identification of their status and of an appropriate solution to their plight;

**No. 58 (XL) – 1989**

(g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously found protection. Such cases should be given favourable consideration by the authorities of the State where he requests asylum;

**No. 74 (XLV) – 1994**

(g) *Calls* again upon States to uphold and strengthen asylum as an indispensable instrument for the international protection of refugees, to respect scrupulously the fundamental principle of *non-refoulement*, and to make every effort to ensure the safety and well-being of refugees within their jurisdiction

**No. 77 (XLVI) – 1995**

(q) *Reaffirms* its Conclusion 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements and reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character, and all parties are obliged to abstain from any activity likely to undermine this; condemns all acts which pose a threat to the personal security of refugees and asylum-seekers, and also those which may endanger the safety and stability of States; calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained and, in this regard, calls on all other States to assist them; and further calls on States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers, and to afford UNHCR and other appropriate organizations prompt and unhindered access to them.

**No. 87 (L) – 1999**

(q) *Recalls* United Nations Security Council resolution S/RES/1208 (1998); remains gravely preoccupied with the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration of armed elements in refugee camps and settlements; re-emphasizes the responsibility of States, working, where appropriate, with UNHCR in collaboration with each other and with other parts of the UN system, to uphold the civilian and humanitarian character and to ensure the security of refugee camps and settlements, *inter alia*, by identifying and separating armed elements from refugee populations and settling refugees in secure locations; and encourages States and UNHCR, in collaboration with each other and with other parts of the UN system, to continue their efforts to enhance the security and civilian nature of refugee camps and settlements;

**No. 94 (LIII) – 2002**

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

Recalling also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict,<sup>[2]</sup> noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

(g) *Calls* upon UNHCR and the Department of Peacekeeping Operations of the United Nations Secretariat to enhance collaboration on all aspects of this complex matter, and as appropriate, to deploy, with the consent of host States, multi-disciplinary assessment teams to an emerging crisis area in order to clarify the situation on the ground, evaluate security threats for refugee populations and consider appropriate practical responses;

(h) *Calls* upon UNHCR to explore how it may develop, in consultation with relevant partners, its own institutional capacity to address insecurity in refugee camps, *inter alia* by assisting States to ensure the physical safety and dignity of refugees, building, as appropriate, upon its protection and operational expertise.

<sup>[2]</sup> S/1999/957; S/2001/331.

### **No. 98 (LIV) – 2003**

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(c) *Urges* all States, consistent with applicable international refugee, human rights and humanitarian law:

(i) to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and

(ii) to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, *inter alia* by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

(i) The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;

(ii) Appropriate follow-up action in response to allegations of sexual violence and exploitation including, where necessary, by implementation of remedies, such as facilitating the filing and investigation of complaints of sexual violence and exploitation, the prosecution of offenders, and timely and proportional disciplinary sanctions in cases of abuse of power or gross negligence resulting in sexual exploitation;

(iii) Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to



confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;

(e) *Calls on* States to ensure that all humanitarian agencies funded by them and working with refugees integrate and promote policies consistent with the core principles of the plan of action of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises;

**No. 99 (LV) – 2004**

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

**No. 102 (LVI) – 2005**

(g) *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of humanitarian personnel and an obstacle to the effective fulfilment of UNHCR's mandate, and the ability of UNHCR's implementing partners and other humanitarian personnel to discharge their respective humanitarian functions; and calls on States and concerned parties to take all possible measures to ensure the safety and security of UNHCR personnel and property and that of all humanitarian organizations discharging UNHCR mandated functions;

## **Conclusions Specific to Personal Security / Physical Violence**

*The Executive Committee,*

**No. 72 (XLIV) – 1993 – Personal Security of Refugees**

*Expressing* its deep concern over reports on the alarming frequency of incidents in which refugees and asylum-seekers, including women and children, are subjected to violence and mistreatment including killing, torture, military or armed attacks, rape, beatings, intimidation, forced recruitment and arbitrary or inhumane conditions of detention,

*Reaffirming* the responsibility of States to respect and ensure the fundamental human rights of refugees and asylum-seekers to life, liberty and security of person as well as to freedom from torture or other cruel, inhumane or degrading treatment or punishment,

*Recalling* previous conclusions dealing with the personal security of refugees, in particular, Conclusions No. 22 (XXXII) on the Protection of Asylum-Seekers in Situations of Large-Scale Influx and No. 48 (XXXVIII) on Military or Armed Attacks on Refugee Camps and Settlements,

*Stressing* the duty of refugees and asylum-seekers to conform to the laws and regulations of the country of asylum and abstain from any activity likely to detract from the exclusively civilian and humanitarian character of refugee camps and settlements,

*Reaffirming* the fundamental importance of the scrupulous observance of the principle of *non-refoulement* for the personal security of refugees,

(a) *Deplores* all violations of the right to personal security of refugees and asylum-seekers, in particular organized attacks or the incitement to violence directed against them;

(b) *Urges* States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas and elsewhere, including by affording UNHCR and, as appropriate, other organizations approved by the Governments concerned prompt and unhindered access to them, by situating refugee camps and settlements in secure locations, by ensuring the safety of vulnerable groups, by facilitating the issuance of personal documentation, and by involving the refugee community, both women and men, in the organization and administration of their camps and settlements;

(c) *Calls upon* States vigorously to investigate violations of the personal security of refugees and asylum-seekers, and where possible to institute criminal prosecution, and where applicable strict disciplinary measures, against all perpetrators of such violations;

(d) *Calls upon* States, in collaboration with UNHCR and, as appropriate, other organizations approved by the Governments concerned, to provide effective physical protection to asylum-seekers and refugees and to ensure safe access for humanitarian assistance and relief workers, where necessary through the recruitment and training of personnel specifically assigned the task of protecting refugees and securing supply routes for humanitarian assistance;

(e) *Supports* the High Commissioner's activities to monitor the personal security of refugees and asylum-seekers and to take appropriate action to prevent or redress violations thereof, including the expansion of training programmes aimed at enhancing the understanding of refugee protection among law enforcement officials, other concerned Government personnel, and non-governmental organizations;

(f) *Encourages* the High Commissioner to develop, share with the Executive Committee and disseminate widely guidelines containing practical measures that States, UNHCR as well as other international and non-governmental organizations can take to further strengthen the physical protection of refugees and asylum-seekers

**No. 94 (LIII) – 2002**

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

*Recalling* also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict,<sup>[2]</sup> noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

<sup>[2]</sup> S/1999/957; S/2001/331.

## Violations of Basic Rights and Personal / Physical Security

*The Executive Committee,*

### **No. 3 (XXVIII) – 1977**

(a) *Was gravely preoccupied* that in a number of cases the basic human rights of refugees had still not been respected, that refugees had been subjected to physical violence, to unjustified and unduly prolonged measures of detention and to measures of forcible return in disregard of the principle of *non-refoulement*.

### **No. 14 (XXX) – 1979**

(c) *Noted* with concern that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of *non-refoulement* and that refugees arriving by sea had been refused even temporary asylum with resulting danger to their lives and had in many cases perished on the high seas;

### **No. 16 (XXXI) – 1980**

(e) *Expressed* serious concern that there were still cases in which the fundamental principle of *non-refoulement* had been disregarded or in which refugees had been exposed to physical danger or violence;

### **No. 20 (XXXI) – 1980**

(a) *Noted* with grave concern the continuing incidence of criminal attacks on refugees and asylum-seekers in different areas of the world, including military attacks on refugee camps and on asylum-seekers at sea;

### **No. 21 (XXXII) – 1981**

(f) *Noted* with particular concern that in certain areas refugees have been refused asylum, have been rejected at the frontier or subjected to measures of expulsion or forcible return in disregard of the fundamental principle of *non-refoulement* and that asylum seekers had been the victims of physical violence;

### **No. 25 (XXXIII) – 1982**

(c) *Expressed* concern that the problems arising in the field of international protection had increased in seriousness since the Committee's thirty-second session and that the basic rights of refugees and asylum seekers had been violated in different areas of the world, *inter alia*, through military attacks on refugee camps and settlements, acts of piracy and forcible return of refugees and asylum-seekers to their countries of origin;

### **No. 29 (XXXIV) – 1983**

(d) *Noted*, however, with particular concern that in various regions the physical safety of refugees and asylum-seekers has been seriously violated through military or armed attacks, acts of piracy and other forms of brutality and the failure to rescue asylum-seekers in distress at sea;

**No. 33 (XXXV) – 1984**

(e) *Noted* with particularly grave concern the continuing serious violations or disregard of the physical safety of refugees and asylum seekers in various regions of the world, including military or armed attacks, acts of piracy and the failure to rescue asylum-seekers in distress at sea;

**No. 41 (XXXVII) – 1986**

(j) *Noted* with concern that in different areas of the world, the basic rights of refugees and asylum-seekers have been seriously violated and that refugees and asylum-seekers have been exposed to physical violence, acts of piracy and forcible return to their country of origin in disregard of the principle of *non-refoulement*;

**No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

**No. 48 (XXXVIII) – 1987**

(1) *Condemns* all violations of the rights and safety of refugees and asylum-seekers and in particular military or armed attacks on refugee camps and settlements.

**No. 61 (XLI) – 1990**

(c) *Expresses* strong concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, *refoulement* and other threats to the physical security, dignity and well-being of refugees;

**No. 68 (XLIII) – 1992**

(e) *Renews* its expressions of deep concern regarding persistent problems in some countries or regions seriously jeopardizing the security or well-being of refugees, including numerous incidents of *refoulement*, expulsion, physical attacks on refugees and detention under unacceptable conditions, and calls upon States to take all measures necessary to ensure respect for the fundamental principles of refugee protection;

**No. 71 (XLIV) – 1993**

(f) *Notes* however with concern that the protection of refugees continues to be seriously jeopardized in certain situations as a result of denial of access, expulsion, *refoulement* and unjustified detention, as well as other threats to their physical security, dignity and well-being;

**No. 73 (XLIV) – 1993**

*Noting* with grave concern the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

**No. 74 (XLV) – 1994**

(f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

**No. 79 (XLVII) – 1996**

(k) *Deplores* violations of the right to personal security of refugees and asylum-seekers, including sexual and other attacks, especially on women and children, and appeals to all States to abide by their international obligations to protect the physical security of refugees and asylum-seekers and to take measures to ensure that such practices cease immediately;

**No. 84 (XLVIII) – 1997**

*Gravely concerned* that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

**No. 85 (XLIX) – 1998**

(b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

**No. 98 (LIV) – 2003**

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

*Recognizing* that sexual abuse and exploitation are a consequence of unequal power relationships; a dynamic that is often exacerbated during humanitarian crises characterized by widespread violence, mass displacement, and the breakdown in family structures, social and value systems; and noting with distress, the involvement of humanitarian workers, officials and other persons working closely with refugee populations;

*Acknowledging* that inadequate protection or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(vi) Ensuring that easily accessible and confidential complaint and redress mechanisms are in place for victims of sexual abuse and exploitation, and that they appropriately apply sanctions to perpetrators and ensure that such mechanisms respect due process rights of the accused, and safeguard the security and rights of the victim or witnesses;

(vii) Ensuring the existence of adequate remedial measures in order to appropriately care for victims of sexual abuse and exploitation;

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, *inter alia* by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

(i) The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;

(ii) Appropriate follow-up action in response to allegations of sexual violence and exploitation including, where necessary, by implementation of remedies, such as facilitating the filing and investigation of complaints of sexual violence and exploitation, the prosecution of offenders, and timely and proportional disciplinary sanctions in cases of abuse of power or gross negligence resulting in sexual exploitation;

(iii) Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;

#### **No. 99 (LV) – 2004**

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recalling* that Security Council resolution 1325 (2000) on women and peace and security and the subsequent Action Plan (S/2005/636) provide an integrated framework for a consolidated international and UN-wide response to this challenge, that Security Council resolution 1261 (1999) and five subsequent resolutions on children and armed conflict, call on governments, parties to a conflict and other organizations, including UN bodies, to take wide-ranging action to protect children in armed conflict and afterwards, and that Security Council resolutions 1265 (1999), 1296 (2000) and 1674 (2006), similarly call on parties to armed conflict to ensure the protection of affected civilians, including women and children,

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of

women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

(b) *Also calls upon* States to take steps to prevent acts of violence against refugees and other persons of concern, to facilitate their access without discrimination to effective legal remedies, to safeguard their physical safety, to strengthen justice systems as appropriate, and to bring perpetrators of such violence to justice;

## PREVENTION

### Development / Rehabilitation Assistance

*The Executive Committee,*

#### **No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

- (ix) consideration of development aid as a complementary measure to address causes of, prevention of, and solutions to, refugee and refugee-like situations;

#### **No. 77 (XLVI) – 1995**

(o) *Calls* on all States to manifest their international solidarity and burden-sharing with countries of asylum, in particular those with limited resources, both politically and in other tangible ways which reinforce their capacity to maintain generous asylum policies, through cooperation in conjunction with UNHCR to support the maintenance of agreed standards in respect of the rights of refugees; reiterates the critical importance of development and rehabilitation assistance in addressing some of the causes of refugee situations, as well as their solutions, including voluntary repatriation when deemed appropriate; and also in the context of development of prevention strategies;

### Exploration of New Options / Strategies

*The Executive Committee,*

#### **No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

- (i) prevention and early warning of developing situations, and mediation as an effective method to contain problems;

- (xiii) encouragement of full and open debate on new approaches;

#### **No. 65 (XLII) – 1991**

(i) *Calls upon* the High Commissioner in this regard actively to explore new options for preventive strategies which are consistent with protection principles, the ways in which State responsibility and burden-sharing mechanisms might be strengthened and public information strategies could be used to complement protection activities;



**No. 68 (XLIII) – 1992**

(o) *Takes note* of the fact that UNHCR's broad humanitarian expertise and experience have proved to be an appropriate basis for the Office to explore new options or undertake new protection activities, in specific situations, in the areas of asylum, prevention and solutions, consistent with requests to it, where required, with the fundamental protection principles, and with its mandate, and in coordination with other United Nations organs;

(p) *Supports*, in this connection, strengthened efforts by the High Commissioner to explore further approaches encompassing early warning, training, advisory services and promotion of human rights and of development, in conformity with her mandate and responsibilities, within an inter-agency, intergovernmental and non-governmental framework as appropriate, to prevent conditions giving rise to refugee exoduses;

**No. 71 (XLIV) – 1993**

(r) *Encourages* the High Commissioner, on the basis of her broad humanitarian experience and expertise, and the particular competence of UNHCR staff in the field, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned and within an inter-agency, intergovernmental and non-governmental framework, as appropriate, and requests the High Commissioner to keep the Sub-Committee of the Whole on International Protection and the Sub-Committee on Administrative and Financial Matters informed of developments;

(u) *Reiterates* that UNHCR's activities in the field of prevention must be complementary to its international protection responsibilities and consistent with the principles of international human rights and humanitarian law and that the institution of asylum must not in any way be undermined;

**No. 74 (XLV) – 1994**

(s) *Welcomes* the further exploration by the High Commissioner, pursuant to Protection Conclusion (m) (1993), of temporary protection as an asylum strategy, in the context of addressing prevention, protection and solutions on a comprehensive regional basis, and looks forward to further discussions among interested Governments on this subject, including the duration of temporary protection;

**No. 75 (XLV) – 1994**

(c) *Reiterates* the need for the international community to seek ways and means to avert involuntary displacements;

**Inter-Relationship between Protection and Solutions**

*The Executive Committee,*

**No. 56 (XL) – 1989**

(b) *Welcomed* the importance given in the report [of the informal Round Table of a group of experts on Solutions to the Problem of Refugees and the Protection of Refugees which was held in San Remo, Italy from 12 to 14 July 1989], in particular, to:

- (i) the inter-relationship between protection and solutions, as well as the desirability of prevention, including through the observance of human rights, as the best solution;

**No. 71 (XLIV) – 1993**

(n) *Recognizes* the importance of addressing prevention, protection and solutions on a comprehensive regional basis, and encourages the High Commissioner to consult with States, the United Nations Department of Humanitarian Affairs (DHA), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and other relevant international organizations and regional bodies on possibilities for additional measures and initiatives in specific areas with complex problems of coerced population movements, and to keep the Sub-Committee of the Whole on International Protection and, where appropriate, the Sub-Committee on Administrative and Financial Matters informed;

**No. 74 (XLV) – 1994**

(s) *Welcomes* the further exploration by the High Commissioner, pursuant to Protection Conclusion (m) (1993), of temporary protection as an asylum strategy, in the context of addressing prevention, protection and solutions on a comprehensive regional basis, and looks forward to further discussions among interested Governments on this subject, including the duration of temporary protection;

**No. 79 (XLVII) – 1996**

(w) *Recalling* the interrelationship between protection and solutions, as well as the desirability of prevention, including through the respect for human rights and the implementation of relevant instruments and standards, with particular attention to the responsibilities of States to resolve refugee situations and, especially with respect to countries of origin, to eliminate causes of refugee flows, calls on UNHCR to continue its activities in support of national legal and judicial capacity-building where appropriate, and to cooperate with the United Nations High Commissioner for Human Rights and other relevant organizations in this regard.

**No. 80 (XLVII) – 1996**

*Reaffirming* in this regard conclusion No. 40 (XXXVI) on Voluntary Repatriation, which states that the aspect of causes is critical to the issue of solutions and that international efforts should also be directed to the removal of the causes of refugee movements; stressing further that the essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address causes which are at the origin of refugee movements,

**Stateless Persons / Internally Displaced Persons**

*The Executive Committee,*

**No. 75 (XLV) – 1994**

(b) *Notes* that the many and varied underlying causes of involuntary internal displacement and of refugee movements are often similar, and that the problems of both refugees and the internally displaced often call for similar measures with respect to prevention, protection, humanitarian assistance, and solutions;

**No. 78 (XLVI) – 1995**

*Stressing* that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations,

**No. 96 (LIV) – 2003**

(h) *Refers to* its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons, and *urges* States to take steps to avoid cases of statelessness as well as to adopt measures leading to the grant of a legal status to stateless persons;

(l) *Stresses* the importance of ensuring the sustainability of returns and of avoiding further displacements in countries emerging from conflict, and *notes* that phasing returns of persons found not to be in need of international protection can contribute to this; while *also recognizing* that once a person found not to be in need of international protection has made an informed decision to return voluntarily, this should take place promptly;

**No. 101 (LV) – 2004**

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law,<sup>[2]</sup> and, in this context, notes the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

<sup>[2]</sup> See Article 12(3) of International Covenant on Civil and Political Rights.

**Women and Children**

*The Executive Committee,*

**No. 54 (XXXIX) – 1988**

*Called* for the reinforcement of the preventive measures initiated by the Office and concerned agencies to enhance the physical security of refugee women;

**No. 60 (XL) – 1989**

(c) *Called* for the reinforcement of preventive measures and for States and concerned agencies to strengthen their support of UNHCR's protection activities relating to refugee women, *inter alia*, by providing resettlement places for women at risk;

**No. 98 (LIV) – 2003**

*Recognizing* the importance of effective mechanisms to prevent and respond to the occurrence of sexual abuse and exploitation in all phases of the refugee experience;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(i) Ensuring explicit reference in codes of conduct and other relevant policies to the responsibilities of relevant personnel to prevent and respond appropriately to sexual and gender-based violence, including sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(iii) Ensuring adequate levels of monitoring and supervision of programmes for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at field level to implement concrete programmes of action;

(iv) Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;

iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;

iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;

v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;

vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response”, 2003; Inter-Agency Standing Committee (IASC) “Guidelines for Gender-based Violence Interventions in Humanitarian Settings”, 2005.

ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;

- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;
- iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;
- v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and
- vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- i. Within the framework of the respective child protection systems of States, utilize appropriate procedures for the determination of the child's best interests which facilitate adequate child participation without discrimination: where the views of the child are given due weight in accordance with age and maturity; where decision makers with relevant areas of expertise are involved; and where there is a balancing of all relevant factors in order to assess the best option;
- ii. In the case of UNHCR, conduct best interests determinations respecting child protection systems of States in cooperation with other relevant agencies and partners;
- iii. Incorporate needs and rights of children into early warning mechanisms, alerts and contingency plans, and ensure integration of child-based risk analysis into inter-agency assessments relevant to children at risk and development cooperation strategies and plans;
- iv. Establish confidential, accessible and child and gender-friendly complaints and referral systems, in coordination with national authorities when necessary, with clear roles for receiving, referring and addressing complaints from or about a child while ensuring the safety of the child, and for managing case files; children should be adequately informed about the availability of complaint and remedial mechanisms;
- v. Promote the implementation of mechanisms for monitoring the protection of children at risk, particularly of those in alternative care arrangements;
- vi. Strengthen or promote the establishment of child protection committees, as appropriate, with equal and meaningful participation of girls and boys;
- vii. Facilitate access to administrative or judicial procedures of States that are in accordance with their international obligations and that allow for the prosecution of perpetrators of crimes committed against children, and in which decisions on whether a child should be

separated from her or his abusive or negligent parents or caretakers are made based on a determination of the child's best interests;

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

i. Provide, where possible, asylum-seeking and refugee children with individual documentation evidencing their status;

ii. Register births and provide children with birth or other appropriate certificates as a means of providing an identity;

iii. Facilitate children's enjoyment of family unity through putting in place procedures to prevent separation, and in respect of unaccompanied and separated children, facilitate tracing and family reunification with their family members in accordance with the respective child's best interests, with due respect for the national legislation of respective States;

iv. Promote the provision of alternative care and accommodation arrangements for unaccompanied and separated children, and facilitate the appointment of a guardian or adviser when an unaccompanied or separated child is identified;

v. Make all efforts to provide a secure environment including through selecting safe locations for camps and settlements as close to local facilities as possible, undertaking child and gender-sensitive protection-based site planning;

vi. Take appropriate measures to prevent the unlawful recruitment or use of children by armed forces or groups, and work towards the unconditional release from armed forces or groups of all children recruited or used unlawfully by armed forces or groups, and their protection and reintegration;

vii. Take effective and appropriate measures, including legislative, administrative and judicial, to prevent and eliminate traditional practices that are harmful to children taking into account the physical and mental harm caused to the child, and the different impact on girls and boys;

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban

environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

ix. Make all efforts to ensure integrated nutrition and health interventions and access to adequate food through measures that address the root causes of food insecurity and malnutrition, including by enhancing families' enjoyment of self-reliance, age and gender-sensitive food distribution systems, targeted nutrition programmes for pregnant women and children during their critical first years of development, and by providing treatment for malnourished children;

x. Make all efforts to ensure access to child-friendly health services, which provide appropriate medical and psycho-social care for child survivors of violence, including for children with disabilities, take steps towards realizing access to HIV and AIDS prevention, treatment, care and support, including antiretroviral treatment and prevention of mother to child transmission; and for adolescents access to age-sensitive reproductive healthcare as well as health and HIV information and education;

xi. Establish and provide access to appropriate psychological support and training programmes as required to prepare children better for social reintegration;

xii. Give high priority to enabling children with disabilities to have access to special assistance and to adequate health and social services, including psychosocial recovery and social reintegration;

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

## PROMOTION OF REFUGEE LAW

### Conclusions Specific to the Promotion of Refugee Law

*The Executive Committee,*

#### **No. 51 (XXXIX) – 1988 – Promotion and Dissemination of Refugee Law**

*Reaffirming* that the promotion and dissemination of refugee law is one of the fundamental responsibilities of the Office of the United Nations High Commissioner for Refugees and is directly related to the effective international protection of refugees;

*Recalling* Conclusion No. 42 (XXXVII) on Accession to International Instruments and their Implementation and Conclusion No. 43 (XXXVII) being the Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees adopted at its thirty-seventh session;

1. *Reiterated* the need for promoting a wider knowledge and understanding of the principles of refugee law and protection and for intensified activities by UNHCR in the area of the promotion and dissemination of refugee law subject to the availability of sufficient resources for this purpose and with the active co-operation and support of States.
2. *Called upon* all States which have not yet done so to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and, if applicable, to the 1969 Organization of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa in order to ensure the widest possible application of the basic principles of refugee law.
3. *Welcomed* the various initiatives undertaken by the High Commissioner in regard to the dissemination of refugee law including through publications and the various information services offered by the Centre for Documentation on Refugees as well as through co-operation with non-governmental organizations (NGOs) who play an indispensable role in the promotion of refugee law.
4. *Underlined* the need to develop practical applications of refugee law and principles and the importance of training courses in refugee law and protection to be undertaken or facilitated by UNHCR for governmental and other officials involved in refugee activities and urged States to initiate or collaborate in the organization and implementation of such courses as well as to undertake similar promotional activities to benefit other interested target groups.
5. *Requested* UNHCR to provide information to the Executive Committee on specific promotional activities worldwide including their financial implications on a regional basis.

### Importance of Promotion / Methods of Promotion of Refugee Law

*The Executive Committee,*

#### **No. 11 (XXIX) – 1978**

- (j) *Recognized* the value of efforts to secure a wider dissemination of the principle of refugee law through closer relations with educational and scientific institutions and more generally with circles



concerned with humanitarian and refugee questions, and recommended that the High Commissioner pursue such efforts;

**No. 14 (XXX) – 1979**

(h) *Recognized* the importance of the dissemination of refugee law in increasing the effectiveness of international protection and noted with satisfaction the efforts being undertaken by the High Commissioner's Office in this matter as described in document A/AC.96/INF.159;

**No. 16 (XXXI) – 1980**

(k) *Reiterated* the importance of promoting a wider knowledge and understanding of refugee law in increasing the effectiveness of international protection, and noted with satisfaction the progress achieved in this matter as described in document A/AC.96/INF.162;

**No. 21 (XXXII) – 1981**

(j) *Welcomed* the increasing understanding for the problems of international protection shown in governmental, non-governmental and academic circles and the continuing efforts undertaken by the High Commissioner to promote a wider knowledge of international refugee law.

**No. 25 (XXXIII) – 1982**

(i) *Welcomed* the increasingly broad acceptance of the principles of international protection on the part of Governments and the efforts undertaken by the High Commissioner to promote a wider understanding of international refugee law; urged the continued development and elaboration of refugee law in response to the new and changing humanitarian and other problems of refugees and asylum-seekers;

(j) *Welcomed* the High Commissioner's initiative to organize courses of lectures on refugee law in co-operation with the International Institute of Humanitarian Law (San Remo);

**No. 29 (XXXIV) – 1983**

(k) *Recognized* the value of the High Commissioner's continuing activities in encouraging the teaching and further development of international refugee law and welcomed his intention to enlarge his Office's legal documentation centre in co-operation with the International Institute of Humanitarian Law in San Remo;

**No. 33 (XXV) – 1984**

(j) *Expressed* satisfaction at the continuing efforts of the High Commissioner to promote a greater knowledge and understanding of international refugee law, and recognized the positive contribution made by the International Institute for Humanitarian Law in San Remo in this important area of the High Commissioner's activities;

**No. 36 (XXXVI) – 1985**

(m) *Reiterated* the importance of the Office's continued efforts to promote the development and strengthening of international refugee law, in particular through its co-operation with the International Institute of Humanitarian Law in San Remo.

**No. 41 (XXXVII) – 1986**

(h) *Reaffirmed* the importance of the Office's efforts to promote the development and strengthening of international refugee law through the organization or support of round tables, seminars and

discussion groups in different areas of the world and to ensure that the principles of international refugee law are as widely disseminated as possible;

**No. 46 (XXXVIII) – 1987**

(o) *Reiterated* the importance of promoting a wider knowledge and understanding of refugee law and noted with satisfaction the efforts of the Office in this regard, in particular the training programmes instituted for UNHCR staff as well as government officials;

**No. 55 (XL) – 1989**

(n) *Noted* the accomplishments of the Office in the promotion and dissemination of refugee law, including particularly the organization of protection training courses for government and other concerned officials, and urged the High Commissioner to pursue his activities in this regard, making every effort to ensure that such protection training courses continue on a significant scale;

**No. 61 (XLI) – 1990**

(j) *Notes* with appreciation the accomplishments of the Office in promoting and disseminating refugee law, particularly through the organization of protection training courses, and in maintaining a research capacity, and calls upon the High Commissioner to consider how to pursue these activities within existing resources.

**No. 65 (XLII) – 1991**

(s) *Notes* with appreciation the efforts of the High Commissioner to promote refugee law through existing resources, drawing on external private funding, and calls upon the High Commissioner to strengthen the Office's training activities, in particular through training courses directed to Government officials and others working directly with refugees and asylum-seekers;

**No. 68 (XLIII) – 1992**

(v) *Notes* the importance of promotion of refugee law as an element of emergency preparedness, as well as to facilitate prevention of and solutions to refugee problems, and calls upon the High Commissioner to continue to strengthen the Office's promotion and training activities;

**No. 71 (XLIV) – 1993**

(aa) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the Office's promotion and training activities with the active support of States and through increased cooperation with bodies and organizations concerned with human rights and international humanitarian law, including the International Institute of Humanitarian Law (San Remo), academic institutions and others involved in the programmes of the Decade of International Law;

**No. 73 (XLIV) – 1993**

(i) *Supports* the High Commissioner's efforts, in coordination with other intergovernmental and non-governmental organizations competent in this area, to develop and organize training courses for authorities, including camp officials, eligibility officers, and others dealing with refugees on practical protection measures for preventing and responding to sexual violence;

**No. 74 (XLV) – 1994**

(kk) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the Office's promotion and training activities, with the active support of States and through increased cooperation with human rights organizations, academic institutions, including the International Institute of Humanitarian Law (San Remo), and other relevant organizations within and outside the United Nations system

**No. 75 (XLV) – 1994**

(q) *Calls* for the strengthening of efforts in the training and dissemination of international human rights law and international humanitarian law and for the joint promotion, by organizations and agencies concerned, of the implementation of these international Calls for the strengthening of efforts in the training and dissemination of international human rights law and international humanitarian law and for the joint promotion, by organizations and agencies concerned, of the implementation of these international standards;

**No. 77 (XLVI) – 1995**

(m) *Calls upon* the High Commissioner to continue to expand and strengthen the Office's activities with regard to the promotion and dissemination of refugee law and protection principles with the active support of States and through increased cooperation with non-governmental organizations, academic institutions and other relevant organizations; further calls upon the High Commissioner to explore ways to integrate its activities in the areas of documentation, research, publications and electronic dissemination

**No. 79 (XLVII) – 1996**

(n) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the active support of States and through increased cooperation with other international organizations, non-governmental organizations, academic institutions and other relevant organizations;

**No. 81 (XLVIII) – 1997**

(u) *Notes* with satisfaction UNHCR's dissemination and training activities with regard to promoting refugee law and protection principles, and calls upon the High Commissioner to continue to strengthen the Office's refugee law promotion work, with the active support of States and through increased cooperation with non-governmental organizations, academic institutions and other relevant organizations.

**No. 87 (L) – 1999**

(n) *Notes* with appreciation special efforts by States to incorporate gender perspectives into asylum policies, regulations and practices; encourages States, UNHCR and other concerned actors to promote wider acceptance, and inclusion in their protection criteria of the notion that persecution may be gender-related or effected through sexual violence; further encourages UNHCR and other concerned actors to develop, promote and implement guidelines, codes of conduct and training programmes on gender-related refugee issues, in order to support the mainstreaming of a gender perspective and enhance accountability for the implementation of gender policies;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(viii) All persons, including officials of a State, and employees of a commercial entity, implementing interception measures should receive specialized training, including available means to direct intercepted persons expressing international protection needs to the appropriate authorities in the State where the interception has taken place, or, where appropriate, to UNHCR;

**Women / Children**

*The Executive Committee,*

**No. 59 (XL) – 1989**

(i) *Urged* UNHCR to intensify efforts to increase public awareness of the situation and needs of refugee children and of the impact of armed conflict and persecution on them;

**No. 73 (XLIV) – 1993**

(k) *Encourages* the High Commissioner to pursue actively her efforts, in cooperation with bodies and organizations dealing with human rights, to increase awareness of the rights of refugees and the specific needs and abilities of refugee women and girls and to promote the full and effective implementation of the Guidelines on the Protection of Refugee Women;

**No. 84 (XLVIII) – 1997**

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

**No. 98 (LIV) – 2003**

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(viii) Conducting training and capacity building on the prevention and response to sexual abuse and exploitation;

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, *inter alia* by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

(i) The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;

## PROTRACTED SITUATIONS OF DISPLACEMENT

*The Executive Committee,*

### **No. 90 (LII) – 2001**

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

### **No. 91 (LII) – 2001 – Registration of Refugees and Asylum-seekers**

(h) *Emphasizes* the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations.

### **No. 93 (LIII) – 2002 – Reception of Asylum-seekers in the Context of Individual Asylum Systems**

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

### **No. 95 (LIV) – 2003**

(r) *Looks forward to* the review by UNHCR of protracted refugee situations which will enable States and UNHCR to identify and further analyze situations which might benefit from a comprehensive plan of action;<sup>[4]</sup>

<sup>[4]</sup> Agenda for Protection, Goal 5, Objective 1, Action 1.

### **No. 99 (LV) – 2004**

(f) *Recalls* its Conclusion No. 91 (LII) on registration of refugees and asylum-seekers; *reiterates* the fundamental importance of early registration as a key protection tool and the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations; *welcomes* in this context the significant progress achieved in the area of registration as evidenced by the ongoing roll-out of registration and documentation activities under the auspices of Project Profile; and *encourages* States and UNHCR to continue their work in this regard with the assistance of other relevant actors as appropriate;

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the

participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

**No. 100 (LV) – 2004 – International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

*Recalling* that mass influx situations pose challenges for receiving States in particular, as well as for other States in the region and for the international community; and *reiterating* its recognition of the heavy responsibilities and burdens borne by countries receiving a mass influx, especially when the resulting presence of refugees becomes protracted, and the need for international cooperation to achieve a satisfactory durable solution to a problem which is international in scope and nature,

(b) *Recognizes* the differing capacities of States to contribute to resolving mass influx situations; *commends* the significant contributions made by countries of first asylum, particularly those in the developing world and those faced with protracted refugee situations; and *stresses* the value of action by States, UNHCR and other actors to share the burden and responsibility of countries of first asylum and to strengthen capacities for the protection of refugees in such host countries;

(k) *Acknowledges* that the principles of international cooperation and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and *highlights* the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

- i. the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;
- ii. the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;
- iii. the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;
- iv. the provision of support for national protection capacities of host States as needed, *inter alia*, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;
- v. the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the

sustainability of any future durable solution and relieving the burden on countries of first asylum;

vi. the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;

vii. the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;

viii. the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

**No. 102 (LVI) – 2005**

(h) *Acknowledges* the value of a focused and concrete pursuit of a range of activities aimed at strengthening the protection capacities of States, particularly those dealing with protracted refugee situations; *welcomes* in this regard the development and promotion of a comprehensive framework for assessing protection capacity needs within the context of the Strengthening Protection Capacity Project; and *encourages* the continued facilitation of consensus building through participatory stakeholder consultations at national levels, bringing together all the relevant actors, including refugee men, women and children, in parallel with improved coordination within UNHCR, and with States and relevant partners to elaborate and operationalise the strategies and initiatives required to address the protection needs identified, in particular through comprehensive approaches aimed at providing practical solutions for protracted caseloads;

(k) *Acknowledges* the long-standing generosity extended by many countries of asylum, including those in the developing world, with economies in transition and in particular least developed countries, notwithstanding their limited resources, hosting large numbers of refugees sometimes over a protracted period of time; *underlines* the importance of burden and responsibility sharing at all stages of a refugee situation, including ensuring access to protection in responding to the assistance needs of refugees as well as in addressing and facilitating durable solutions; and *recognizes* the need for States and international organizations to equip themselves with appropriate planning, coordination and financial tools that make international solidarity and the realization of durable solutions more predictable;

(q) *Notes* the activities in pursuit of the objectives of the Convention Plus initiative; *stresses* the value of innovative, practical, situation-specific and solution-oriented approaches within a multilateral context; *strongly encourages* UNHCR, in consultation with host countries, to identify protracted refugee situations which might lend themselves to resolution through comprehensive approaches, such as the elaboration of a Comprehensive Plan of Action for Somali Refugees; and *recognizes* that effective partnerships should be designed and implemented in the field;

**No. 104 (LVI) – 2005 – Local Integration**

*Recognizing* that some countries of asylum carry a heavy burden, in particular developing countries, countries with economies in transition and least developed countries which host large numbers of refugees and asylum-seekers, especially when they have arrived as part of a mass influx and have remained for a long period of time,



(b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;

**No. 107 (LVIII) – 2007 – Children at Risk**

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- xi. Address, on a priority basis, the concerns of children in protracted refugee situations, including through intensifying efforts for durable solutions which will reduce the risks they face;

**No. 108 (LIX) – 2008**

Protracted refugee situations

(l) *Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum, protection and assistance needs of refugees until durable solutions are found, and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, *affirms* that voluntary repatriation is the preferred solution, when feasible;

(m) *Welcomes* the High Commissioner's initiative to unlock and find comprehensive solutions for protracted refugee situations; acknowledges the contribution the ongoing "UN Delivering as One" process may make to such solutions; *recognizes* that, in protracted refugee situations, developing

countries and countries in transition carry a heavy burden by hosting large numbers of refugees and asylum-seekers; and *reiterates* a strong commitment to uphold the principles of international solidarity and burden sharing;

(n) *Stresses* the importance, while searching for solutions, of supporting the efforts of host countries to enhance education, health care and provision of other basic services in refugee-impacted areas, and *encourages* State parties to respect the full range of rights included in the 1951 Convention and its 1967 Protocol and, mindful of the particular conditions applicable, to explore the most practical and feasible means to accord freedom of movement, and other important rights underpinning self-reliance;

#### Resettlement

(q) *Reaffirms* the strategic use of resettlement as an instrument of protection and its use as a durable solution, especially to resolve protracted refugee situations; *notes* the exponential increase in the number of refugees in need of resettlement identified by UNHCR as a result of its concerted efforts to conduct needs-based assessments; *urges* States without existing resettlement programmes to offer places for refugees recognized by UNHCR and in need of third country resettlement; *encourages* States with existing programmes to consider making available more resettlement places; and *acknowledges* the importance of registration as a tool of protection and as a means to enable quantification and assessment of the need for resettlement;

## PUBLIC OPINION / PUBLIC AWARENESS

*The Executive Committee,*

### **No. 29 (XXXIV) – 1983**

(l) *Recognized* the essential need for the exercise of the High Commissioner's international protection function to be facilitated by the co-operation of Governments in granting asylum, in providing the durable solutions of resettlement and local integration and in creating conditions favourable to and promoting voluntary repatriation, which, whenever appropriate and feasible, is the most desirable durable solution for refugee problems; such co-operation should also include fostering in public opinion a deeper understanding of the special needs of refugees and asylum-seekers;

### **No. 33 (XXXV) – 1984**

(k) *Reiterated* the need for Governments to support the exercise of the High Commissioner's international protection function by granting asylum, by providing durable solutions and by fostering in the public opinion a deeper understanding of the special situation and needs of refugees and asylum-seekers.

### **No. 36 (XXXVI) – 1985**

(l) *Reaffirmed* the importance of creating a deeper understanding in the public mind of the special plight of refugees in order to facilitate the exercise of the High Commissioner's international protection function;

### **No. 41 (XXXVII) – 1986**

(o) *Noted* the importance of promoting a favourable climate of public opinion in order to facilitate the exercise of the High Commissioner's international protection function; stressed the necessity for the special situation and needs of refugees and asylum-seekers to be brought fully to the attention of the public; and welcomed UNHCR's efforts in this regard which should be fully supported by Governmental authorities and concerned non-governmental organizations.

### **No. 46 (XXXVIII) – 1987**

(t) *Emphasized* the need for all concerned, including States, intergovernmental, national and non-governmental organizations, to sensitize public opinion to the special circumstances and needs of refugees and asylum-seekers to help generate a feeling of empathy and respect for refugees with a view to developing a more positive attitude towards them.

### **No. 50 (XXXIX) – 1988**

(m) *Emphasized* the need, in the context of improving the general protection of refugees, for increased public awareness and information activities, bearing in mind the particular requirements of each country concerned and the valuable contribution which non-governmental organisations are able to make in this, as in other, areas of refugee protection;

### **No. 54 (XXXIX) – 1988**

*Encouraged* the High Commissioner in his public information activities on refugee women and called upon him to expand this area in the future;

**No. 60 (XL) – 1989**

(j) *Encouraged* the High Commissioner to make additional efforts to raise public awareness of the specific situation of refugee women and recommended the fortieth anniversary as an opportunity to emphasize refugee women as active participants of UNHCR's programmes.

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(xii) full integration of public information activities into strategies;

**No. 65 (XLII) – 1991**

(i) *Calls upon* the High Commissioner in this regard actively to explore new options for preventive strategies which are consistent with protection principles, the ways in which State responsibility and burden-sharing mechanisms might be strengthened and public information strategies could be used to complement protection activities;

**No. 68 (XLIII) – 1992**

(w) *Deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, at the same time expresses its concern regarding xenophobia in segments of the population in a number of countries receiving refugees and asylum-seekers which has exposed them to considerable danger and, therefore, calls upon States and UNHCR to continue to work actively to promote broader understanding throughout national communities of the plight of refugees and asylum-seekers

**No. 71 (XLIV) – 1993**

(bb) *Calls upon* States in cooperation with UNHCR and non-governmental organizations to pursue their efforts to foster greater public understanding and acceptance of people of different backgrounds and cultures with a view to dispelling hostile attitudes and other forms of intolerance towards foreigners;

**No. 77 (XLVI) – 1995**

(h) *Condemns* all forms of ethnic violence and intolerance, which are among the major causes of forced displacements as well as an impediment to durable solutions to refugee problems; and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism

**No. 85 (XLIX) – 1998**

(g) *Recognizes* that the refugee experience, in all its stages, is closely linked to the degree of respect by States for human rights and fundamental freedoms and the related refugee protection principles, and reaffirms the importance in this regard of educational and other programmes to combat racism, discrimination and xenophobia, to promote tolerance and respect for all persons and their human rights, to advance the rule of law and legal and judicial capacity-building, and to strengthen civil society and sustainable development;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(ix) Key to the effective operation of any reception arrangement are public opinion favourable to asylum-seekers and refugees and confidence and trust in the asylum system, the promotion of both is an important responsibility to be pursued in tandem with the arrangements themselves;

(d) *Urges* States and UNHCR, in collaboration with other relevant actors, to combat acts of racism, racial discrimination, xenophobia, and related intolerance directed against asylum-seekers and to take appropriate measures to create or enhance harmonious relationships with the local communities, *inter alia*, by promoting respect for asylum-seekers and refugees, by creating awareness of their needs, as well as promoting respect for the local culture, customs and religions among asylum-seekers.

**No. 104 (LVI) – 2005 – Local Integration**

(n) *Emphasizes* that the social and cultural dimension of local integration requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance, and in this respect:

ii. *urges* States and all relevant actors to combat intolerance, racism and xenophobia, including obstacles faced by refugee women, and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees with the aim of allowing refugees to participate actively in the civic, economic, and social and cultural life of the host country;

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

## RECEPTION OF ASYLUM-SEEKERS

*The Executive Committee,*

**No. 22 (XXXII) – 1981**

### III. Co-operation with the Office of the United Nations High Commissioner for Refugees

Asylum seekers shall be entitled to contact the Office of UNHCR. UNHCR shall be given access to asylum seekers. UNHCR shall also be given the possibility of exercising its function of international protection and shall be allowed to supervise the well-being of persons entering reception or other refugee centres.

**No. 89 (LI) – 2000**

*Recognizing* that international protection is a dynamic and action-oriented function, carried out, in co-operation with States and other partners, to promote and facilitate admission, reception, treatment of refugees and to ensure protection-oriented solutions, towards the overall goal of enhancing respect for the rights of refugees and resolving their problems;

**No. 90 (LII) – 2001**

(c) *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, *inter alia*, to promote and facilitate the admission, reception and humane treatment of refugees and to ensure protection-oriented solutions, in accordance with international law and international standards;

**No. 93 (LIII) – 2002 – Reception of Asylum-Seekers in the Context of Individual Asylum Systems**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

*Welcoming* the discussion which took place on reception of asylum-seekers in individual asylum systems in the context of the Global Consultations on International Protection,<sup>[1]</sup>

*Acknowledging* the centrality of applicable international human rights law and standards in the development and implementation of reception policies,

*Bearing in mind* the need to provide a safe and dignified environment for asylum-seekers as well as discourage misuse of asylum systems,

*Acknowledging* that asylum systems are different, entailing assistance in kind or financial assistance, or a combination of both, as well as involving both governmental and non-governmental actors,

*Recognizing* that many asylum-seekers are capable of attaining a certain degree of self-reliance if provided with an opportunity to do so,

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(i) While there is scope for flexibility in the choice of reception arrangements to be put in place, it is important that the various reception measures respect human dignity and applicable international human rights law and standards;

(ii) Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met;

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

(iv) Reception arrangements should allow for the unity of the family as present within the territory, particularly in the context of reception centres;

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

(vi) The range and scope of relevant social and economic benefits may vary, depending on the nature of the asylum procedure, and the type of reception arrangements in place;

(vii) Reception arrangements can be mutually beneficial where they are premised on the understanding that many asylum-seekers can attain a certain degree of self-reliance, if provided with the requisite opportunities;

(viii) In the context of facilitating cooperation between States and UNHCR, and in accordance with data protection and confidentiality principles, UNHCR should be given access to asylum-seekers in order to exercise its function of international protection, taking into account the well-being of persons entering reception or other refugee centres; and asylum-seekers are entitled to have access to UNHCR;

(ix) Key to the effective operation of any reception arrangement are public opinion favourable to asylum-seekers and refugees and confidence and trust in the asylum system, the promotion of both is an important responsibility to be pursued in tandem with the arrangements themselves;

(c) *Stresses* that responsibility and burden-sharing and the availability of durable solutions promote and strengthen the capacity of host States with limited resources to receive asylum-seekers and to provide adequate reception arrangements, under the supervision of UNHCR;

(d) *Urges* States and UNHCR, in collaboration with other relevant actors, to combat acts of racism, racial discrimination, xenophobia, and related intolerance directed against asylum-seekers and to take appropriate measures to create or enhance harmonious relationships with the local communities, *inter alia*, by promoting respect for asylum-seekers and refugees, by creating awareness of their needs, as well as promoting respect for the local culture, customs and religions among asylum-seekers.

<sup>[1]</sup> EC/GC/02/2 and EC/GC/01/17.

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

ii. Measures for the disarmament of armed elements and the identification, separation and internment of combatants should be taken as early as possible, preferably at the point of entry or at the first reception/transit centres for new arrivals;



## REFUGEE STATUS DETERMINATION

[See also PERSECUTION]

### Conclusions Specific to Refugee Status Determination

*The Executive Committee,*

#### **No. 8 (XXVIII) – 1977 – Determination of Refugee Status**

(a) *Noted* the report of the High Commissioner concerning the importance of procedures for determining refugee status;

(b) *Noted* that only a limited number of States parties to the 1951 Convention and the 1967 Protocol had established procedures for the formal determination of refugee status under these instruments;

(c) *Noted*, however, with satisfaction that the establishment of such procedures was under active consideration by a number of Governments;

(d) *Expressed* the hope that all Governments parties to the 1951 Convention and the 1967 Protocol which had not yet done so would take steps to establish such procedures in the near future and give favourable consideration to UNHCR participation in such procedures in appropriate form;

(e) *Recommended* that procedures for the determination of refugee status should satisfy the following basic requirements:

(i) The competent official (e.g. immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State, should have clear instructions for dealing with cases which might be within the purview of the relevant international instruments. He should be required to act in accordance with the principle of *non-refoulement* and to refer such cases to a higher authority.

(ii) The applicant should receive the necessary guidance as to the procedure to be followed.

(iii) There should be a clearly identified authority – wherever possible a single central authority – with responsibility for examining requests for refugee status and taking a decision in the first instance.

(iv) The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned. Applicants should also be given the opportunity, of which they should be duly informed, to contact a representative of UNHCR.

(v) If the applicant is recognized as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.

(vi) If the applicant is not recognized, he should be given a reasonable time to appeal for a formal reconsideration of the decision, either to the same or to a different authority, whether administrative or judicial, according to the prevailing stem.

(vii) The applicant should be permitted to remain in the country pending a decision on his initial request by the competent authority referred to in paragraph (iii) above, unless it has been established by that authority that his request is clearly abusive. He should also be permitted to remain in the country while an appeal to a higher administrative authority or to the courts is pending.

(f) *Requested* UNHCR to prepare, after due consideration of the opinions of States parties to the 1951 Convention and the 1967 Protocol, a detailed study on the question of the extra-territorial effect of determination of refugee status in order to enable the Committee to take a considered view on the matter at a subsequent session taking into account the opinion expressed by representatives that the acceptance by a Contracting State of refugee status as determined by other States parties to these instruments would be generally desirable;

(g) *Requested* the Office to consider the possibility of issuing-for the guidance of Governments-a handbook relating to procedures and criteria for determining refugee status and circulating – with due regard to the confidential nature of individual requests and the particular situations involved – significant decisions on the determination of refugee status.

#### **No. 12 (XXIX) – 1978 – Extraterritorial Effect of the Determination of Refugee Status**

(a) *Considered* that one of the essential aspects of refugee status, as defined by the 1951 Convention and the 1967 Protocol, is its international character;

(b) *Recognized* the desirability for maintenance and continuity of refugee status once it has been determined by a Contracting State;

(c) *Noted* that several provisions of the 1951 Convention enable a refugee residing in one Contracting State to exercise certain rights-as refugee-in another Contracting State and that the exercise of such rights is not subject to a new determination of his refugee status;

(d) *Noted* that persons considered as refugees under Article 1 A (1) of the Convention maintain their refugee status unless they fall under a cessation or exclusion clause;

(e) *Noted* that refugees, holders of a Convention Travel Document issued by one Contracting State, are enabled to travel as refugees to other Contracting States;

(f) *Considered* that the very purpose of the 1951 Convention and the 1967 Protocol implies that refugee status determined by one Contracting State will be recognized also by the other Contracting States;

(g) *Recognized*, therefore, that refugee status as determined in one Contracting State should only be called into question by another Contracting State in exceptional cases when it appears that the person manifestly does not fulfil the requirements of the Convention, e.g. if facts become known indicating that the statements initially made were fraudulent or showing that the person concerned falls within the terms of a cessation or exclusion provision of the 1951 Convention;

(h) *Further recognized* that a decision by a Contracting State not to recognize refugee status does not preclude another Contracting State from examining a new request for refugee status made by the person concerned.

#### **No. 28 (XXXIII) – 1982 – Follow-up on Earlier Conclusions of the Sub-Committee of the Whole on International Protection on the Determination of Refugee Status, *inter alia*, with reference to the role of UNHCR in national refugee status determination procedures**

(a) *Considered* the report of the High Commissioner on the progress made in regard to the determination of refugee status (EC/SCP/22/Rev.1);

(b) *Noted* with satisfaction that since the twenty-eighth session of the Executive Committee procedures for the determination of refugee status have been established by a further significant number of States Parties to the 1951 Convention and the 1967 Protocol and that these procedures conform to the basic requirements recommended by the Executive Committee at its twenty-eighth session;

(c) *Reiterated* the importance of the establishment of procedures for determining refugee status and urged those States Parties to the 1951 Convention and the 1967 Protocol which had not yet done so to establish such procedures in the near future;

(d) *Recognized* the need for measures to meet the problem of manifestly unfounded or abusive applications for refugee status. A decision that an application is manifestly unfounded or abusive should only be taken by or after reference to the authority competent to determine refugee status. Consideration should be given to the establishment of procedural safeguards to ensure that such decisions are taken only if the application is fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees. In view of its importance, the question of manifestly unfounded or abusive applications for refugee status should be further examined by the Sub-Committee at its next meeting, as a separate item on its agenda and on the basis of a study to be prepared by UNHCR;

(e) *Noted* with satisfaction the participation in various forms of UNHCR in procedures for determining refugee status in a large number of countries and recognized the value of UNHCR thus being given a meaningful role in such procedures.

### **No. 30 (XXXIV) – 1983 – The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum**

(a) *Recalled* Conclusion No. 8 (XXVIII) adopted at its twenty-eighth session on the Determination of Refugee Status and Conclusion No. 15 (XXX) adopted at its thirtieth session concerning Refugees without an Asylum Country;

(b) *Recalled* Conclusion No. 28 (XXXIII) adopted at its thirty-third session in which the need for measures to meet the problem of manifestly unfounded or abusive applications for refugee status was recognized;

(c) *Noted* that applications for refugee status by persons who clearly have no valid claim to be considered refugees under the relevant criteria constitute a serious problem in a number of States parties to the 1951 Convention and the 1967 Protocol. Such applications are burdensome to the affected countries and detrimental to the interests of those applicants who have good grounds for requesting recognition as refugees;

(d) *Considered* that national procedures for the determination of refugee status may usefully include special provision for dealing in an expeditious manner with applications which are considered to be so obviously without foundation as not to merit full examination at every level of the procedure. Such applications have been termed either “clearly abusive” or “manifestly unfounded” and are to be defined as those which are clearly fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees nor to any other criteria justifying the granting of asylum;

(e) *Recognized* the substantive character of a decision that an application for refugee status is manifestly unfounded or abusive, the grave consequences of an erroneous determination for the applicant and the resulting need for such a decision to be accompanied by appropriate procedural guarantees and therefore recommended that:

(i) as in the case of all requests for the determination of refugee status or the grant of asylum, the applicant should be given a complete personal interview by a fully qualified official and, whenever possible, by an official of the authority competent to determine refugee status;

(ii) the manifestly unfounded or abusive character of an application should be established by the authority normally competent to determine refugee status;

(iii) an unsuccessful applicant should be enabled to have a negative decision reviewed before rejection at the frontier or forcible removal from the territory. Where arrangements for such a review do not exist, governments should give favourable consideration to their establishment. This review possibility can be more simplified than that available in the case of rejected applications which are not considered manifestly unfounded or abusive.

(f) *Recognized* that while measures to deal with manifestly un-founded or abusive applications may not resolve the wider problem of large numbers of applications for refugee status, both problems can be mitigated by overall arrangements for speeding up refugee status determination procedures, for example by:

(i) allocating sufficient personnel and resources to refugee status determination bodies so as to enable them to accomplish their task expeditiously, and

(ii) the introduction of measures that would reduce the time required for the completion of the appeals process.

#### **No. 102 (LVI) – 2005**

(i) *Recalls* its Conclusion No. 82 (XLVIII) on Safeguarding Asylum; *reiterates* the fundamental importance of the High Commissioner's international protection function; and *emphasizes* the need to apply scrupulously the exclusion clauses stipulated in Article 1 F of the 1951 Convention to ensure that the institution of asylum is not abused by the extension of protection to those who are not entitled to it;

#### **No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(b) *Calls upon* State Parties to interpret the criteria for refugee status in the 1951 Convention and/or its 1967 Protocol in such a manner that all persons who fulfil these criteria are duly recognized and protected under those instruments, rather than being accorded a complementary form of protection;

(g) *Calls upon* all State Parties, as applicable, to adopt the necessary national legislation or procedures to give effect to regional refugee instruments;

#### **No. 104 (LVI) – 2005 – Local Integration**

*Recalling* Executive Committee Conclusion No. 15, that decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion or membership of a particular social group, nationality or country of origin; and *acknowledging* in this context that integration potential should not be a criterion for granting asylum,

## **Detention (see also “DETENTION”)**

*The Executive Committee,*

### **No. 44 (XXXVII) – 1986**

(b) *Expressed* the opinion that in view of the hardship which it involves, detention should normally be avoided. If necessary, detention may be resorted to only on grounds prescribed by law to verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum; or to protect national security or public order;

(c) *Recognized* the importance of fair and expeditious procedures for determining refugee status or granting asylum in protecting refugees and asylum-seekers from unjustified or unduly prolonged detention;

## **Family Members / Women / Children**

*The Executive Committee,*

### **No. 24 (XXXII) – 1981**

*Adopted* the following conclusions on the reunification of separated refugee families.

(5) It is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.

(8) In order to promote the rapid integration of refugee families in the country of settlement, joining close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.

### **No. 47 (XXXVIII) – 1987**

(h) *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

### **No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;

**No. 73 (XLIV) – 1993**

- (c) Calls upon States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;
- (d) Supports the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;
- (e) Recommends the development by States of appropriate guidelines on women asylum-seekers, in recognition of the fact that women refugees often experience persecution differently from refugee men;
- (f) Recommends that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;
- (g) Recommends that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;
- (h) Reiterates the importance of ensuring the presence of female field staff in refugee programmes, including emergency operations, and the direct access of refugee women to them;
- (j) Recommends the establishment by States of training programmes designed to ensure that those involved in the refugee status determination process are adequately sensitized to issues of gender and culture;
- (k) Encourages the High Commissioner to pursue actively her efforts, in cooperation with bodies and organizations dealing with human rights, to increase awareness of the rights of refugees and the specific needs and abilities of refugee women and girls and to promote the full and effective implementation of the Guidelines on the Protection of Refugee Women;

**No. 88 (L) – 1999**

- (b) *Underlines* the need for the unity of the refugee's family to be protected, *inter alia* by:
  - (iii) provisions and/or practice allowing that when the principal applicant is recognized as a refugee, other members of the family unit should normally also be recognized as refugees, and by providing each family member with the possibility of separately submitting any refugee claims that he or she may have;

**No. 93 (LIII) – 2002**

- (v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

**No. 94 (LIII) – 2002**

- (c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(vi) Where the granting of refugee status is based on group determination, civilian family members of combatants should be treated as refugees and should not be interned together with them;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

**Identifying Country Responsible for Examining an Asylum Request**

*The Executive Committee,*

**No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

(h) An effort should be made to resolve the problem of identifying the country responsible for examining an asylum request by the adoption of common criteria. In elaborating such criteria the following principles should be observed:

(i) The criteria should make it possible to identify in a positive manner the country which is responsible for examining an asylum request and to whose authorities the asylum-seeker should have the possibility of addressing himself;

(ii) The criteria should be of such a character as to avoid possible disagreement between States as to which of them should be responsible for examining an asylum request and should take into account the duration and nature of any sojourn of the asylum-seeker in other countries;

(iii) The intentions of the asylum-seeker as regards the country in which he wishes to request asylum should as far as possible be taken into account;

(iv) Regard should be had to the concept that asylum should not be refused solely on the ground that it could be sought from another State. Where, however, it appears that a person, before requesting asylum, already has a connection or close links with another State, he may if it appears fair and reasonable be called upon first to request asylum from that State;

(v) The establishment of criteria should be accompanied by arrangements for regular consultation between concerned Governments for dealing with cases for which no solution has been found and for consultation with the Office of the United Nations High Commissioner for Refugees as appropriate;

(vi) Agreements providing for the return by States of persons who have entered their territory from another contracting State in an unlawful manner should be applied in respect of asylum-seekers with due regard to their special situation.

**No. 29 (XXXIV) – 1983**

(i) *Reiterated* the importance of determining the country which is responsible for examining an asylum request by the adoption of common criteria as identified in the Conclusion [No. 15 (XXX) – 1979] on Refugees without an Asylum Country adopted by the Executive Committee at its thirtieth session;

**No. 71 (XLIV) – 1993**

(k) *Stresses* the usefulness of measures to promote the prompt determination of refugee status in fair procedures, and recognizes the advisability of concluding agreements among States directly concerned, in consultation with UNHCR, to provide for the protection of refugees through the adoption of common criteria and related arrangements to determine which State shall be responsible for considering an application for asylum and refugee status and for granting the protection required, and thus avoiding orbit situations;

(l) *Emphasizes* that such procedures, measures and agreements must include safeguards adequate to ensure in practice that persons in need of international protection are identified and that refugees are not subject to *refoulement*;



## Manifestly Unfounded or Abusive Claims

*The Executive Committee,*

### **No. 30 (XXXIV) – 1983 – The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum**

(a) *Recalled* Conclusion No. 8 (XXVIII) adopted at its twenty-eighth session on the Determination of Refugee Status and Conclusion No. 15 (XXX) adopted at its thirtieth session concerning Refugees without an Asylum Country;

(b) *Recalled* Conclusion No. 28 (XXXIII) adopted at its thirty-third session in which the need for measures to meet the problem of manifestly unfounded or abusive applications for refugee status was recognized;

(c) *Noted* that applications for refugee status by persons who clearly have no valid claim to be considered refugees under the relevant criteria constitute a serious problem in a number of States parties to the 1951 Convention and the 1967 Protocol. Such applications are burdensome to the affected countries and detrimental to the interests of those applicants who have good grounds for requesting recognition as refugees;

(d) *Considered* that national procedures for the determination of refugee status may usefully include special provision for dealing in an expeditious manner with applications which are considered to be so obviously without foundation as not to merit full examination at every level of the procedure. Such applications have been termed either “clearly abusive” or “manifestly unfounded” and are to be defined as those which are clearly fraudulent or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention relating to the Status of Refugees nor to any other criteria justifying the granting of asylum;

(e) *Recognized* the substantive character of a decision that an application for refugee status is manifestly unfounded or abusive, the grave consequences of an erroneous determination for the applicant and the resulting need for such a decision to be accompanied by appropriate procedural guarantees and therefore recommended that:

(i) as in the case of all requests for the determination of refugee status or the grant of asylum, the applicant should be given a complete personal interview by a fully qualified official and, whenever possible, by an official of the authority competent to determine refugee status;

(ii) the manifestly unfounded or abusive character of an application should be established by the authority normally competent to determine refugee status;

(iii) an unsuccessful applicant should be enabled to have a negative decision reviewed before rejection at the frontier or forcible removal from the territory. Where arrangements for such a review do not exist, governments should give favourable consideration to their establishment. This review possibility can be more simplified than that available in the case of rejected applications which are not considered manifestly unfounded or abusive.

(f) *Recognized* that while measures to deal with manifestly un-founded or abusive applications may not resolve the wider problem of large numbers of applications for refugee status, both problems can be mitigated by overall arrangements for speeding up refugee status determination procedures, for example by:

(i) allocating sufficient personnel and resources to refugee status determination bodies so as to enable them to accomplish their task expeditiously, and

(ii) the introduction of measures that would reduce the time required for the completion of the appeals process.

**No. 55 (XL) – 1989**

e) *Noted* with concern that applications for refugee status by persons who clearly have no valid claim to be considered as refugees under the relevant criteria continue to constitute a serious problem in a number of States and may be detrimental to the interests of those applicants who have good grounds for requesting recognition as refugees;

**No. 68 (XLIII) – 1992**

(g) *Notes* that effective and expeditious status determination procedures and access to them should be maintained by States with the advice and assistance of UNHCR, just as clear and intentional misuse of these procedures should be actively discouraged and recalls in this regard its Conclusion No. 65 (XLII), in particular paragraphs (n) and (o);

**No. 71 (XLIV) – 1993**

(j) *Recognizes* that in certain regions the arrival and presence of large numbers of applicants for asylum and refugee status who have no valid claim to international protection creates serious problems both for refugees and for the States concerned by adversely affecting the institution of asylum, jeopardizing the effectiveness of national procedures for the determination of refugee status, and preventing the prompt and effective protection of refugees;

**No. 85 (XLIX) – 1998**

(s) *Notes* with concern reports from countries that there is an increasing trend towards the misuse or abuse of national refugee status determination procedures; acknowledges the need for States to address this problem both at the national level and through international cooperation; urges, however, States to ensure that national law and administrative practices, including migration control measures, are compatible with the principles and standards of applicable refugee and human rights law, as set out in relevant international instruments;

**No. 91 (LII) – 2001**

(f) *Recognizes* the confidential nature of personal data and the need to continue to protect confidentiality; also recognizes that the appropriate sharing of some personal data in line with data protection principles can assist States to combat fraud, to address irregular movements of refugees and asylum-seekers, and to identify those not entitled to international protection under the 1951 Convention and/or 1967 Protocol;

**No. 93 (LIII) – 2002**

*Bearing in mind* the need to provide a safe and dignified environment for asylum-seekers as well as discourage misuse of asylum systems,

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

**No. 103 (LVI) – 2005**

(d) *Reiterates* the need to ensure that the integrity of the asylum system is not abused by the extension of refugee protection to those who are not entitled to it and to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention and in other relevant international instruments;

**Others in Need of International Protection**

*The Executive Committee,*

**No. 74 (XLV) – 1994**

(k) *Notes* that a large number of those persons in need of international protection have been forced to flee or to remain outside their countries of origin as a result of danger to their life or freedom owing to situations of conflict;

(l) *Recognizes* that, while persons who are unable to return in safety to their countries of origin as a result of situations of conflict may or may not be considered refugees within the terms of the 1951 Convention and 1967 Protocol, depending on the particular circumstances, they nonetheless are often in need of international protection, humanitarian assistance and a solution to their plight;

(m) *Recalls* that UNHCR has often been requested by the United Nations General Assembly to extend protection and assistance to persons who have been forced to seek refuge outside their countries of origin as a result of situations of conflict, and encourages the High Commissioner to continue to provide international protection to such persons, and to seek solutions to the problems arising from their forced displacement, in accordance with relevant General Assembly resolutions, and calls upon all States to assist and support the High Commissioner's efforts in this regard;

(n) *Recognizes* that in Africa and Latin America, regional instruments provide for the protection of refugees fleeing armed conflict and civil strife, as well as those fearing persecution, and that in other regions, persons who require international protection, but who either are not considered refugees within the scope of the 1951 Convention and 1967 Protocol or are in countries that have not acceded to these instruments, have generally been provided protection and humanitarian assistance through specific measures adopted by States and in full cooperation with UNHCR;

(o) *Recognizes* the desirability of exploring further measures to ensure international protection to all who need it;

(q) *Encourages* the High Commissioner to continue to promote international cooperation in providing international protection to all who require it, and to engage in further consultations and discussions concerning measures to achieve this objective, which might involve the elaboration of guiding principles, including for concerted action;

**No. 77 (XLVI) – 1995**

(f) *Recalls* its conclusion 74 (XLV), which encouraged the High Commissioner to engage in consultations and discussions concerning measures to ensure international protection to all who need it; and reiterates its support for UNHCR's role in exploring the development of guiding principles to this end, consistent with fundamental protection principles reflected in international instruments, and calls on UNHCR to organize informal consultations on this subject;

**No. 79 (XLVII) – 1996**

(m) *Recalls* its conclusion 77 (XLVI), which encouraged the High Commissioner to engage in consultations and discussions concerning measures to ensure international protection to all who need it and called on UNHCR to organize informal consultations on this subject; supports UNHCR's activities to date in respect of such consultations and discussions; and encourages UNHCR to continue this process, keeping the Executive Committee informed;

**No. 80 (XLVII) – 1996**

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it

**No. 81 (XLVIII) – 1997**

(p) *Takes note* of the discussions which have taken place on measures to ensure international protection to all who need it, and encourages UNHCR to continue to organize informal consultations, with a view to making further progress in this area, including through exploring the development of guiding principles;

**No. 85 (XLIX) – 1998**

(y) *Emphasizes* that outflows of people may include refugees and persons not in need of or not entitled to international protection and, therefore, notes that making a proper and careful differentiation between the two groups is of paramount importance for the identification of any protection needs which would make return inappropriate;

**No. 86 (XLIX) – 1998 – Decision on Informal Consultations on Protection Issues**

*Affirms* that the informal consultations on measures to ensure international protection for all who need it have proved to be a valuable forum for constructive discussion of complex protection issues in an open manner; and requests UNHCR, in consultation with States, to continue to organize from time to time, within the limits of available resources, and with broadly based participation, informal expert consultations on protection issues of current concern

**No. 103 (LVI) – 2005**

*Recognizing* that, in different contexts, there may be a need for international protection in cases not addressed by the 1951 Convention and its 1967 Protocol; and *recalling in this regard* paragraph (1) of its Conclusion No. 74 (XLV),

*Underlining* the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation

adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

*Acknowledging* that in many countries a number of administrative or legislative mechanisms are in place for regularizing, on a variety of grounds, the stay of persons, including those who may not be eligible for refugee protection but who may be in need of international protection,

(b) *Calls upon* State Parties to interpret the criteria for refugee status in the 1951 Convention and/or its 1967 Protocol in such a manner that all persons who fulfil these criteria are duly recognized and protected under those instruments, rather than being accorded a complementary form of protection;

## Procedures

*The Executive Committee,*

### No. 2 (XXVII) – 1976

(c) *Recommended* that the High Commission should continue to follow up on the application and implementation of the 1951 Convention and 1967 Protocol in various member States, including national practice and procedures for the recognition of refugee status, and to submit a report to the Executive Committee on the subject in due course;

### No. 8 (XXVIII) – 1977

(a) *Noted* the report of the High Commissioner concerning the importance of procedures for determining refugee status;

(b) *Noted* that only a limited number of States parties to the 1951 Convention and the 1967 Protocol had established procedures for the formal determination of refugee status under these instruments;

(c) *Noted*, however, with satisfaction that the establishment of such procedures was under active consideration by a number of Governments;

(d) *Expressed* the hope that all Governments parties to the 1951 Convention and the 1967 Protocol which had not yet done so would take steps to establish such procedures in the near future and give favourable consideration to UNHCR participation in such procedures in appropriate form;

(e) *Recommended* that procedures for the determination of refugee status should satisfy the following basic requirements:

(i) The competent official (e.g. immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State, should have clear instructions for dealing with cases which might me within the purview of the relevant international instruments. He should be required to act in accordance with the principle of *non-refoulement* and to refer such cases to a higher authority.

(ii) The applicant should receive the necessary guidance as to the procedure to be followed.

(iii) There should be a clearly identified authority – wherever possible a single central authority – with responsibility for examining requests for refugee status and taking a decision in the first instance.

(iv) The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned. Applicants

should also be given the opportunity, of which they should be duly informed, to contact a representative of UNHCR.

(v) If the applicant is recognized as a refugee, he should be informed accordingly and issued with documentation certifying his refugee status.

(vi) If the applicant is not recognized, he should be given a reasonable time to appeal for a formal reconsideration of the decision, either to the same or to a different authority, whether administrative or judicial, according to the prevailing stem.

(vii) The applicant should be permitted to remain in the country pending a decision on his initial request by the competent authority referred to in paragraph (iii) above, unless it has been established by that authority that his request is clearly abusive. He should also be permitted to remain in the country while an appeal to a higher administrative authority or to the courts is pending.

**No. 11 (XXIX) – 1978**

(i) *Recalled* in particular the Conclusions adopted at the twenty eighth session concerning procedures for the determination of refugee status under the 1951 Convention and the 1967 Protocol [Conclusions Nos. 8–10], reiterated the importance of such procedures, welcomed their establishment by a number of states since the Committee's twenty-eighth session and expressed the hope that further States would give favourable consideration to the establishment of such procedures;

**No. 14 (XXX) – 1979**

(f) *Considered* it urgent that further States acceded to the 1951 Convention and to the 1967 Protocol and that States already parties to these instruments which had not yet done so adopt appropriate measures to implement their provisions especially as regards procedures for determining refugee status;

**No. 15 (XXX) – 1979**

(i) While asylum-seekers may be required to submit their asylum request within a certain time limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to an asylum request being excluded from consideration;

(j) In line with the recommendation adopted by the Executive Committee at its twenty-eighth session (document A/AC.96/549, paragraph 53(6),(E)(i)), where an asylum-seeker addresses himself in the first instance to a frontier authority the latter should not reject his application without reference to a central authority;

**No. 16 (XXXI) – 1980**

(h) *Noted* with appreciation that further States had adopted measures to implement the provisions of the Convention and the Protocol, especially as regards procedures for determining refugee status, and stressed the need for increased co-operation between Governments and UNHCR in this matter;

**No. 21 (XXXII) – 1981**

(d) *Noted* with satisfaction the measures taken by various States to ensure the effective implementation of their obligations under the Convention and Protocol, in particular as regards procedures for determining refugee status as described in document A/AC.96/INF.152/Rev.3 and

expressed the hope that such measures be taken by all States parties to the international refugee instruments;

**No. 29 (XXXIV) – 1983**

(h) *Noted* with satisfaction that further States have adopted national measures to ensure the effective implementation of the provisions of the 1951 Convention and the 1967 Protocol, particularly as regards procedures for the determination of refugee status, and stressed the importance for States to establish such procedures to ensure fair and equitable decision-making in line with the conclusions adopted by the Executive Committee at its twenty-eighth [No. 8] and thirty-third sessions [No. 28];

(j) *Recognized* the importance of developing standards of protection by maintaining a constant dialogue with Governments, non-governmental organizations and academic institutions and of filling lacunae in international refugee law, particularly as regards asylum-seekers whose status has not been determined and as regards the physical protection of refugees and asylum-seekers;

**No. 46 (XXXVIII) – 1987**

(r) *Welcomed* the recent adoption by a number of States of national administrative and legislative measures to implement effectively the provisions of the international refugee instruments, including the establishment of appropriate procedures for the determination of refugee status;

**No. 53 (XXXIX) – 1988**

*Recommended* that States and UNHCR take into account the following guidelines when dealing with actual cases of stowaway asylum-seekers:

(2) Without prejudice to any responsibilities of the flag State, stowaway asylum-seekers should, whenever possible, be allowed to disembark at the first port of call and given the opportunity of having their refugee status determined by the authorities, provided that this does not necessarily imply durable solution in the country of the port of disembarkation.

**No. 55 (XL) – 1989**

(f) *Emphasized* in this context [applications by persons with no valid claim to be considered as refugees] the importance of quick and effective status determination procedures in accordance with internationally accepted criteria and appropriate legal guarantees;

**No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;

**No. 65 (XLII) – 1991**

(o) *Recognizes* that the establishment of and access of all asylum-seekers to fair and efficient procedures are important elements in a coherent international strategy for the management and resolution of refugee situations and recalls in this connection Conclusion No. 8 (XXVIII) on

Determination of Refugee Status, Conclusion No. 15 (XXX) on Refugees without an Asylum Country, Conclusion No. 30 (XXXIV) on the Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum and Conclusion No. 58 (XL) concerning the Problem of Refugees and Asylum-Seekers who Move in an Irregular Manner from a Country in which They Had Already Found Protection;

**No. 68 (XLIII) – 1992**

(g) *Notes* that effective and expeditious status determination procedures and access to them should be maintained by States with the advice and assistance of UNHCR, just as clear and intentional misuse of these procedures should be actively discouraged and recalls in this regard its Conclusion No. 65 (XLII), in particular paragraphs (n) and (o);

**No. 69 (XLIII) – 1992**

*Believing* that a careful approach to the application of the cessation clauses using clearly established procedures is necessary so as to provide refugees with the assurance that their status will not be subject to unnecessary review in the light of temporary changes, not of a fundamental character, in the situation prevailing in the country of origin,

**No. 71 (XLIV) – 1993**

(i) *Reiterates* the importance of establishing and ensuring access consistent with the 1951 Convention and the 1967 Protocol for all asylum-seekers to fair and efficient procedures for the determination of refugee status in order to ensure that refugees and other persons eligible for protection under international or national law are identified and granted protection;

(j) *Recognizes* that in certain regions the arrival and presence of large numbers of applicants for asylum and refugee status who have no valid claim to international protection creates serious problems both for refugees and for the States concerned by adversely affecting the institution of asylum, jeopardizing the effectiveness of national procedures for the determination of refugee status, and preventing the prompt and effective protection of refugees;

(k) *Stresses* the usefulness of measures to promote the prompt determination of refugee status in fair procedures, and recognizes the advisability of concluding agreements among States directly concerned, in consultation with UNHCR, to provide for the protection of refugees through the adoption of common criteria and related arrangements to determine which State shall be responsible for considering an application for asylum and refugee status and for granting the protection required, and thus avoiding orbit situations;

(l) *Emphasizes* that such procedures, measures and agreements must include safeguards adequate to ensure in practice that persons in need of international protection are identified and that refugees are not subject to *refoulement*;

**No. 73 (XLIV) – 1993**

(c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

(d) *Supports* the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;



(e) *Recommends* the development by States of appropriate guidelines on women asylum-seekers, in recognition of the fact that women refugees often experience persecution differently from refugee men;

(g) *Recommends* that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;

(j) *Recommends* the establishment by States of training programmes designed to ensure that those involved in the refugee status determination process are adequately sensitized to issues of gender and culture;

**No. 74 (XLV) – 1994**

(i) *Reiterates* the importance of ensuring access for all persons seeking international protection to fair and efficient procedures for the determination of refugee status or other mechanisms, as appropriate, to ensure that persons in need of international protection are identified and granted such protection;

**No. 81 (XLVIII) – 1997**

(h) *Reaffirms* Conclusion No. 80 (XLVIII), and notes that a comprehensive approach to refugee protection comprises, *inter alia*, respect for all human rights; the principle of *non-refoulement*; access, consistent with the 1951 Convention and the 1967 Protocol, of all asylum-seekers to fair and effective procedures for determining status and protection needs; no rejection at frontiers without the application of these procedures; asylum; the provision of any necessary material assistance; and the identification of durable solutions which recognize human dignity and worth;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(ii) access, consistent with the 1951 Convention and the 1967 Protocol, of asylum-seekers to fair and effective procedures for determining status and protection needs;

(iii) the need to admit refugees into the territories of States, which includes no rejection at frontiers without fair and effective procedures for determining status and protection needs;

**No. 85 (XLIX) – 1998**

(q) *Strongly deplores* the continuing incidence and often tragic humanitarian consequences of *refoulement* in all its forms, including through summary removals, occasionally en masse, and reiterates in this regard the need to admit refugees to the territory of States, which includes no rejection at frontiers without access to fair and effective procedures for determining their status and protection needs;

(r) *Strongly urges* States to devise and implement procedures for handling refugee claims which are consistent with protection principles provided for in applicable universal refugee instruments and in regional refugee instruments, consistent with international standards, as well as with the standards recommended by the Executive Committee;

**No. 93 (LIII) – 2002**

(a) *Recognizes* the need to establish and apply fair and expeditious asylum procedures, so as to identify promptly those in need of international protection and those who are not, which will avoid

protracted periods of uncertainty for the asylum-seeker, discourage misuse of the asylum system and decrease the overall demands on the reception system;

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(v) For the purpose, *inter alia*, of protection against *refoulement*, as well as access to reception arrangements, both male and female asylum-seekers should be registered and be issued appropriate documentation reflecting their status as asylum-seeker, which should remain valid until the final decision is taken on the asylum application;

(vi) The range and scope of relevant social and economic benefits may vary, depending on the nature of the asylum procedure, and the type of reception arrangements in place;

(ix) Key to the effective operation of any reception arrangement are public opinion favourable to asylum-seekers and refugees and confidence and trust in the asylum system, the promotion of both is an important responsibility to be pursued in tandem with the arrangements themselves;

**No. 94 (LIII) – 2002**

(c) *Recommends* that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, *inter alia*, by the following principles;

(vi) Where the granting of refugee status is based on group determination, civilian family members of combatants should be treated as refugees and should not be interned together with them;

(vii) Combatants should not be considered as asylum-seekers until the authorities have established within a reasonable timeframe that they have genuinely and permanently renounced military activities, once this has been established, special procedures should be put in place for individual refugee status determination, to ensure that those seeking asylum fulfil the criteria for the recognition of refugee status, during the refugee status determination process, utmost attention should be paid to article 1F of the 1951 Convention, in order to avoid abuse of the asylum system by those who do not deserve international protection;

**No. 99 (LV) – 2004**

(g) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

**No. 100 (LV) – 2004**

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(viii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, *inter alia*, any possible application of the exclusion clauses of the 1951

Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

**No. 103 (LVI) – 2005**

(g) *Calls upon* all State Parties, as applicable, to adopt the necessary national legislation or procedures to give effect to regional refugee instruments;

(q) *Encourages* States to consider whether it may be appropriate to establish a comprehensive procedure before a central expert authority making a single decision which allows the assessment of refugee status followed by other international protection needs, as a means of assessing all international protection needs without undermining refugee protection and while recognizing the need for a flexible approach to the procedures applied;

(r) *Notes* that, where applicable, in considering a comprehensive procedure, the applicable procedure should be fair and efficient;

**No. 105 (LVII) – 2006**

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

**No. 107 (LVIII) – 2007**

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

ix. Ensure that age assessments are only carried out in cases when a child's age is in doubt, and take into account both the physical appearance and the psychological maturity of the individual; that they are conducted in a scientific, safe, child and gender-sensitive and fair manner with due respect for human dignity; and that they consider the individual as a child in the event of uncertainty;

**No. 108 (LIX) – 2008**

(c) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their

capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

## **Refugee Definition**

*The Executive Committee,*

### **No. 17 (XXXI) – 1980**

(g) *Stressed* that protection in regard to extradition applies to persons who fulfil the criteria of the refugee definition and who are not excluded from refugee status by virtue of Article 1(F)(b) of the 1951 United Nations Convention relating to the Status of Refugees.

### **No. 25 (XXXIII) – 1982**

(d) *Recognized* the concern of Governments resulting from large scale flows of persons and current recessionary trends in different areas of the world; expressed the hope, however, that these various developments would not lead to restrictive practices in the granting of asylum or in the application of the refugee concept, nor to an undermining of the essential principles of international protection;

### **No. 29 (XXXIV) – 1983**

(e) *Noted* also with concern that the exercise of the High Commissioner's international protection function has been rendered more difficult in many areas of the world by restrictive trends relating to the granting of asylum and the determination of refugee status;

### **No. 33 (XXXV) – 1984**

(d) *Noted* with deep regret that restrictive practices were being followed with respect to the granting of asylum, the determination of refugee status and the treatment of asylum-seekers and refugees;

### **No. 68 (XLIII) – 1992**

(c) *Notes* the value of reporting by States parties on implementation of their responsibilities under the 1951 Convention and 1967 Protocol, again urges States which have not yet done so to respond to the questionnaire on implementation circulated by the High Commissioner, and calls upon the High Commissioner and all States to work together to strengthen implementation, including through heightened promotional efforts, better monitoring arrangements and more harmonized application of the refugee definition criteria;

### **No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

*Underlining* the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

## REFUGEES WITHOUT AN ASYLUM COUNTRY

### Conclusion Specific to Refugees without an Asylum Country

*The Executive Committee,*

#### **No. 15 (XXX) – 1979 – Refugees without an Asylum Country**

*Considered* that States should be guided by the following considerations:

##### General principles

- (a) States should use their best endeavours to grant asylum to bona fide asylum-seekers;
- (b) Action whereby a refugee is obliged to return or is sent to a country where he has reason to fear persecution constitutes a grave violation of the recognized principle of *non-refoulement*;
- (c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum;
- (d) Decisions by States with regard to the granting of asylum shall be made without discrimination as to race, religion, political opinion, nationality or country of origin;
- (e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted;

##### Situations involving a large-scale influx of asylum-seekers

- (f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;
- (g) Other States should take appropriate measures individually, jointly or through the Office of the United Nations High Commissioner for Refugees or other international bodies to ensure that the burden of the first asylum country is equitably shared;

##### Situations involving individual asylum-seekers

- (h) An effort should be made to resolve the problem of identifying the country responsible for examining an asylum request by the adoption of common criteria. In elaborating such criteria the following principles should be observed:
  - (i) The criteria should make it possible to identify in a positive manner the country which is responsible for examining an asylum request and to whose authorities the asylum-seeker should have the possibility of addressing himself;

- (ii) The criteria should be of such a character as to avoid possible disagreement between States as to which of them should be responsible for examining an asylum request and should take into account the duration and nature of any sojourn of the asylum-seeker in other countries;
  - (iii) The intentions of the asylum-seeker as regards the country in which he wishes to request asylum should as far as possible be taken into account;
  - (iv) Regard should be had to the concept that asylum should not be refused solely on the ground that it could be sought from another State. Where, however, it appears that a person, before requesting asylum, already has a connection or close links with another State, he may if it appears fair and reasonable be called upon first to request asylum from that State;
  - (v) Reestablishment of criteria should be accompanied by arrangements for regular consultation between concerned Governments for dealing with cases for which no solution has been found and for consultation with the Office of the United Nations High Commissioner for Refugees as appropriate;
  - (vi) Agreements providing for the return by States of persons who have entered their territory from another contracting State in an unlawful manner should be applied in respect of asylum-seekers with due regard to their special situation.
- (i) While asylum-seekers may be required to submit their asylum request within a certain time limit, failure to do so, or the non-fulfilment of other formal requirements, should not lead to an asylum request being excluded from consideration;
- (j) In line with the recommendation adopted by the Executive Committee at its twenty-eighth session (document A/AC.96/549, paragraph 53(6),(E)(i)), where an asylum-seeker addresses himself in the first instance to a frontier authority the latter should not reject his application without reference to a central authority;
- (k) Where a refugee who has already been granted asylum in one country requests asylum in another country on the ground that he has compelling reasons for leaving his present asylum country due to fear of persecution or because his physical safety or freedom are endangered, the authorities of the second country should give favourable consideration to his asylum request;
- (l) States should give favourable consideration to accepting, at the request of the Office of the United Nations High Commissioner for Refugees, a limited number of refugees who cannot find asylum in any country;
- (m) States should pay particular attention to the need for avoiding situations in which a refugee loses his right to reside in or to return to his country of asylum without having acquired the possibility of taking up residence in a country other than one where he may have reasons to fear persecution;
- (n) In line with the purpose of paragraphs 6 and 11 of the Schedule to the 1951 Convention, States should continue to extend the validity of or to renew refugee travel documents until the refugee has taken up lawful residence in the territory of another State. A similar practice should as far as possible also be applied in respect of refugees holding a travel document other than that provided for in the 1951 Convention

## General

*The Executive Committee,*

### **No. 29 (XXXIV) – 1983**

(i) *Reiterated* the importance of determining the country which is responsible for examining an asylum request by the adoption of common criteria as identified in the Conclusion on Refugees without an Asylum Country adopted by the Executive Committee at its thirtieth session;

### **No. 87 (L) – 1999**

(j) *Reiterates* that the institution of asylum is of crucial importance to the international protection of refugees; re-emphasizes the importance of ensuring access to asylum procedures; recalls Conclusions No. 15 (XXX) of 1979 and No. 58 (XL) of 1989 on refugees without an asylum country and irregular movement of asylum-seekers; and affirms, in this regard, that notions such as “safe country of origin”, “internal flight alternative” and “safe third country”, should be appropriately applied so as not to result in improper denial of access to asylum procedures, or to violations of the principle of *non-refoulement*;

## Stowaways

### **No. 53 (XXXIX) – 1988 – Stowaway Asylum-Seekers**

*The Executive Committee,*

*Recognizing* that stowaway asylum-seekers often find themselves in a particularly vulnerable situation in need of international protection and durable solutions;

*Recalling* its Conclusion No. 15 (XXX) on Refugees without an Asylum Country adopted at the thirtieth session of the Executive Committee;

*Reaffirming* the necessity of giving proper attention to the needs of stowaway asylum-seekers including arranging for their disembarkation, determining their refugee status and, whenever required, providing them with a durable solution;

*Noting* that there are at present no general and internationally recognized rules dealing specifically with stowaway asylum-seekers and at the same time recognizing that asylum-seekers should be given the special consideration that their situation demands;

*Recommended* that States and UNHCR take into account the following guidelines when dealing with actual cases of stowaway asylum-seekers:

(1) Like other asylum-seekers, stowaway asylum-seekers must be protected against forcible return to their country of origin.

(2) Without prejudice to any responsibilities of the flag State, stowaway asylum-seekers should, whenever possible, be allowed to disembark at the first port of call and given the opportunity of having their refugee status determined by the authorities, provided that this does not necessarily imply durable solution in the country of the port of disembarkation.

(3) Normally UNHCR would be requested to assist in finding a durable solution for those found to be refugees, based on all relevant aspects of the case.



## REGIONAL APPROACHES

### Conclusions Specific to Regional Approaches

*The Executive Committee,*

#### **No. 37 (XXXVI) – 1985 – Central American Refugees and the Cartagena Declaration**

(a) *Recognized* the complexity and gravity of the refugee situation in the Central American region which has recently received special attention;

(b) *Acknowledged* the provisions relating to refugees in the Contadora Act for Peace and Co-operation in Central America;

(c) *Noted* with interest the Cartagena Declaration, embodying the conclusions of the Colloquium on International Protection of Refugees in Central America, Mexico and Panama: Juridical and Humanitarian Problems, held in Cartagena, Colombia from 19 to 22 November 1984, under the auspices of the Government of the Republic of Colombia;

(d) *Welcomed* the use of regional approaches in resolving refugee problems of regional scope, as amply demonstrated by the Colloquium.

#### **No. 76 (XLV) – 1994 – Recommendations of the UNHCR/OAU Commemorative Symposium on Refugees and Forced Population Displacements in Africa**

*Recalling* its Conclusion on International Protection of 1993, in which it, *inter alia*, looked forward to events commemorating the twenty-fifth anniversary of the adoption by the Organization of African Unity of the OAU Convention governing the specific aspects of refugee problems in Africa and encouraged UNHCR to participate actively in its commemoration (A/AC.96/821, para. 19 (o)),

(a) *Takes note* with satisfaction of the activities which have been carried out in commemoration of the twenty-fifth anniversary of the adoption, and the twentieth year of the entry into force, of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;

(b) *Congratulates* the High Commissioner and the Organization of African Unity upon having successfully organized jointly the OAU/UNHCR Symposium on Refugees and Forced Population Displacements in Africa, which was held in Addis Ababa, Ethiopia, from 8 to 10 September 1994, as one of the commemorative activities;

(c) *Welcomes* the recommendations adopted by the above-mentioned Symposium as an important contribution to the framework for tackling the problems and challenges of forced population displacements in Africa in general; providing asylum, protection and assistance to refugees and other victims of forced displacements; as well as for finding the necessary solutions for these problems;

(d) *Commends* the recommendations to the relevant States, and intergovernmental and non-governmental organizations for consideration and implementation as necessary;

(e) *Requests* the High Commissioner, in close collaboration with the relevant States and intergovernmental and non-governmental organizations, most particularly the Organization of African Unity, to disseminate the recommendations widely, promote as necessary their implementation, and keep the Executive Committee informed of progress in this regard.

**No. 80 (XLVII) – 1996 – Comprehensive and Regional Approaches Within a Protection Framework**

*Recognizing* that the underlying causes of large-scale involuntary population displacements are complex and interrelated and encompass gross violations of human rights, including in armed conflict, poverty and economic disruption, political conflicts, ethnic and inter-communal tensions and environmental degradation, and that there is a need for the international community to address these causes in a concerted and holistic manner,

*Reaffirming* in this regard conclusion No. 40 (XXXVI) on Voluntary Repatriation, which states that the aspect of causes is critical to the issue of solutions and that international efforts should also be directed to the removal of the causes of refugee movements; stressing further that the essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address causes which are at the origin of refugee movements,

*Recalling* its encouragement to the High Commissioner to engage in consultations on possibilities and initiatives in specific areas with complex problems of coerced population movements as well as on achieving the objective of providing international protection to all who need it,

*Noting* that the prevention of and response to such situations may be beyond UNHCR's mandate and capacity,

*Further noting* that internally displaced persons remain within the territorial jurisdiction of their own countries and that the primary responsibility for their welfare and protection lies with the State concerned,

*Aware* that involuntary displacement, in addition to the human suffering involved, can impose significant intra-regional burdens, and may also affect security and stability at the regional level,

*Acknowledging* the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions,

(a) *Emphasizes* the responsibility of States to ensure conditions which do not compel people to flee in fear, to uphold the institution of asylum, to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

(b) *Reaffirms* the value of comprehensive approaches in which UNHCR has played a significant part, through its presence and activities in countries of origin as well as countries of asylum; notably the CIREFCA process, the Comprehensive Plan of Action and the repatriation to Mozambique; and recalls that the High Commissioner is mandated to promote voluntary repatriation by taking initiatives including promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication;

(c) *Underlines* the value of regional cooperation, as illustrated by these approaches, in addressing involuntary displacement in a manner which encompasses the political dimension of causes;

(d) *Recalls* that, while there is no blueprint for such approaches, protection considerations should govern the entire process towards solutions, and standards should be applied consistently;

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive

approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

- (i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality
- (ii) promotion of the rule of law through national legal and judicial capacity-building
- (iii) respect for the institution of asylum, including the fundamental principle of *non-refoulement*, and ensuring international protection to all those who need it
- (iv) measures to reinforce international solidarity and burden-sharing
- (v) support for long-term sustainable development
- (vi) integration of developmental approaches into the relief stage by strengthening national capacities
- (vii) support for rehabilitation, reintegration and reconstruction measures which will underpin the sustainability of repatriation
- (viii) public information to raise awareness about refugee and migration issues in both host countries and countries of origin, particularly with a view to countering xenophobia and racism
- (ix) the establishment and fostering of mechanisms designed to avoid or reduce the incidence of conflict, as conflict may result in population displacement
- (x) reconciliation measures where necessary and possible, notably in post-conflict situations, to ensure the durability of solutions
- (xi) education for peace and human rights, including at the community level, in both countries of origin and countries of asylum

(f) *Invites* UNHCR to provide its support and expertise in formulating comprehensive approaches and assisting States in exploring more systematically where and how such approaches might be appropriate and feasible.

## **Regional Initiatives**

*The Executive Committee,*

### **No. 14 (XXX) – 1979**

(g) *Took note* with great appreciation of the work of the Conference on the Situation of Refugees in Africa held in Arusha (United Republic of Tanzania) from 7-17 April 1979 which it considered would represent a major contribution to the protection of refugees in Africa;

### **No. 16 (XXXI) – 1980**

(d) *Stressed* further that while there was a need to develop legal concepts relating to international protection in the light of the special conditions prevailing in different regions, this should not detract from the absolute character of the fundamental principles already established in this field;

(i) *Recognized* the value of examining problems of international protection in a regional context with a view to arriving at appropriate solutions;

**No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

**IV. International solidarity, burden-sharing and duties of States**

(2) Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with UNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

**No. 36 (XXXVI) – 1985**

(k) *Welcomed* the convening by the High Commissioner in May 1985 of the Consultations on the Arrivals of Asylum-Seekers and Refugees in Europe;

**No. 41 (XXXVII) – 1986**

(i) *Recognized* the value of international instruments defining standards for the treatment of refugees at the regional level and noted with appreciation the progress achieved in this field through the efforts of the Arab League, the Asian-African Legal Consultative Committee, the Council of Europe, the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(x) encouragement to regional bodies or groupings more actively to contribute to positive resolution of problems in their respective regions;

**No. 71 (XLIV) – 1993**

(n) *Recognizes* the importance of addressing prevention, protection and solutions on a comprehensive regional basis, and encourages the High Commissioner to consult with States, the United Nations Department of Humanitarian Affairs (DHA), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and other relevant international organizations and regional bodies on possibilities for additional measures and initiatives in specific areas with complex problems of coerced population movements, and to keep the Sub-Committee of the Whole on International Protection and, where appropriate, the Sub-Committee on Administrative and Financial Matters informed;

**No. 74 (XLV) – 1994**

(p) *Acknowledges* the value of regional harmonization of national policies to ensure that persons who are in need of international protection actually receive it, and calls upon States to consult UNHCR at the regional level in achieving this objective;

(s) *Welcomes* the further exploration by the High Commissioner, pursuant to Protection Conclusion (m) (1993), of temporary protection as an asylum strategy, in the context of addressing prevention,

protection and solutions on a comprehensive regional basis, and looks forward to further discussions among interested Governments on this subject, including the duration of temporary protection;

(aa) *Recognizes* that for repatriation to be a sustainable and thus truly durable solution to refugee problems it is essential that the need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner, and calls upon the international community to continue to support the High Commissioner's efforts to promote comprehensive and regional approaches to prevention, protection and solutions in consultation with States and the relevant international, regional and national governmental and non-governmental bodies, as appropriate;

**No. 81 (XLVIII) – 1997**

(k) *Encourages* States and UNHCR to continue to promote, where relevant, regional initiatives for refugee protection and durable solutions, and to ensure that regional standards which are developed conform fully with universally recognized standards and respond to particular regional circumstances and protection needs;

**No. 90 (LII) – 2001**

(m) *Encourages* initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;

**No. 95 (LIV) – 2003**

(m) *Encourages* UNHCR and States jointly to examine how to enhance discussion on protection issues and challenges primarily within the Standing Committee framework, as well as in relevant regional fora, as appropriate;

**No. 99 (LV) – 2004**

(s) *Notes* that the year 2004 marks the 20th anniversary of the *Cartagena Declaration on Refugees*; that this pragmatic and flexible instrument continues to encourage the protection of refugees in the region; that States will be convening in Mexico City in November 2004, upon the generous invitation of the Government of Mexico, to commemorate this anniversary; and *encourages* States to cooperate in the elaboration of a regional plan of action to strengthen further international protection of refugees in the region, in conjunction with relevant international organizations as well as representatives of civil society;

**No. 102 (LVI) – 2005**

(d) *Welcomes* the successful meeting hosted by the Government of Mexico in November 2004 to commemorate the 20th Anniversary of the *Cartagena Declaration on Refugees*; *notes with interest* the Plan of Action endorsed by that meeting; and *encourages* those States concerned to follow through on their commitments to strengthen refugee protection in the region and respond accordingly to other situations of forced displacement;

(e) *Recalls* the 1996 Geneva Conference on the problems of refugees, displaced persons, migration and asylum issues in the countries of the Commonwealth of Independent States; *concludes* with satisfaction that the ten-year follow-up process generated by the Conference is nearing its completion and has been successful in pursuing the original goals of addressing the multi-faceted

protection and migration challenges of the countries of the CIS in a coherent and concerted way; and *encourages* States, UNHCR and other relevant actors to continue to work collaboratively, building on the successes of the Conference Process to date;

## **Regional Instruments**

*The Executive Committee,*

### **No. 16 (XXXI) – 1980**

(j) *Noted* with appreciation the work of the Round Table of Asian Experts which met in Manila from 14 to 18 April 1980 and the Declaration on the International Protection of Refugees and Displaced Persons in Asia and the Declaration on Pirate Attacks on Refugees and Displaced Persons adopted by the Round Table;

### **No. 41 (XXXVII) – 1986**

(i) *Recognized* the value of international instruments defining standards for the treatment of refugees at the regional level and noted with appreciation the progress achieved in this field through the efforts of the Arab League, the Asian-African Legal Consultative Committee, the Council of Europe, the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference;

### **No. 42 (XXXVII) – 1986**

(h) *Recalled* that the 1951 Convention and the 1967 Protocol are complemented by various international instruments of relevance to refugees adopted at the universal level as well as by a number of standard setting instruments adopted at the regional level and called upon States to consider acceding to such additional universal instruments and to such other instruments as are applicable to their region;

(i) *Noted* that accession to the various international refugee instruments, whether of a universal or regional character, is now of utmost importance in view of the magnitude and the seriousness of the contemporary refugee problem and requested the High Commissioner to continue his efforts at the highest level to promote further accession to the international refugee instruments;

### **No. 51 (XXXIX) – 1988**

2. *Called upon* all States which have not yet done so to accede to the 1951 United Nations Convention and the 1967 Protocol relating to the Status of Refugees and, if applicable, to the 1969 Organization of African Unity (OAU) Convention governing the specific aspects of refugee problems in Africa in order to ensure the widest possible application of the basic principles of refugee law.

### **No. 68 (XLIII) – 1992**

(a) *Reaffirms* the primary nature of the High Commissioner's protection responsibilities which are performed as a non-political, humanitarian and social function within the framework of international refugee law and applicable regional instruments, with due regard for human rights and humanitarian law, and which necessitate cooperation with UNHCR, as well as among and between States in accordance with the United Nations Charter, on a basis of international responsibilities, solidarity and burden-sharing;

**No. 71 (XLIV) – 1993**

(o) *Looks forward* to events commemorating the twenty-fifth anniversary of the adoption by the Organization of African Unity of the OAU Convention governing the specific aspects of refugee problems in Africa as well as the tenth anniversary of the Cartagena Declaration on Refugees and encourages UNHCR to participate actively in their commemoration;

**No. 74 (XLV) – 1994**

(n) *Recognizes* that in Africa and Latin America, regional instruments provide for the protection of refugees fleeing armed conflict and civil strife, as well as those fearing persecution, and that in other regions, persons who require international protection, but who either are not considered refugees within the scope of the 1951 Convention and 1967 Protocol or are in countries that have not acceded to these instruments, have generally been provided protection and humanitarian assistance through specific measures adopted by States and in full cooperation with UNHCR;

**No. 77 (XLVI) – 1995**

(c) *Emphasizes* the primacy of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol as forming the international legal basis for the protection of refugees; and underlines the value of regional instruments, as applicable, notably the OAU Convention, as well as the Cartagena and San José Declarations;

**No. 79 (XLVII) – 1996**

(d) *Urges* all States that have not yet done so to accede to and implement fully the 1951 Convention and its 1967 Protocol and relevant regional instruments for the protection of refugees, as applicable, thereby strengthening the framework of international protection;

**No. 81 (XLVIII) – 1997**

(m) *Notes* with appreciation that a number of States not party to the 1951 Convention and its 1967 Protocol continue to maintain a generous approach to asylum; nevertheless, considering that over fifty States have yet to accede to these instruments, encourages the High Commissioner to continue to promote further accessions; and urges all States that have not yet done so to accede to and implement fully these instruments, as well as relevant regional instruments for the protection of refugees, where applicable, thereby strengthening the framework of international protection;

**No. 99 (LV) – 2004**

(s) *Notes* that the year 2004 marks the 20th anniversary of the *Cartagena Declaration on Refugees*; that this pragmatic and flexible instrument continues to encourage the protection of refugees in the region; that States will be convening in Mexico City in November 2004, upon the generous invitation of the Government of Mexico, to commemorate this anniversary; and *encourages* States to cooperate in the elaboration of a regional plan of action to strengthen further international protection of refugees in the region, in conjunction with relevant international organizations as well as representatives of civil society;

**No. 102 (LVI) – 2005**

(d) *Welcomes* the successful meeting hosted by the Government of Mexico in November 2004 to commemorate the 20th Anniversary of the Cartagena Declaration on Refugees; *notes with interest* the Plan of Action endorsed by that meeting; and *encourages* those States concerned to follow through on their commitments to strengthen refugee protection in the region and respond accordingly to other situations of forced displacement;

(e) *Recalls* the 1996 Geneva Conference on the problems of refugees, displaced persons, migration and asylum issues in the countries of the Commonwealth of Independent States; *concludes* with satisfaction that the ten-year follow-up process generated by the Conference is nearing its completion and has been successful in pursuing the original goals of addressing the multi-faceted protection and migration challenges of the countries of the CIS in a coherent and concerted way; and *encourages* States, UNHCR and other relevant actors to continue to work collaboratively, building on the successes of the Conference Process to date;

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

*Underlining* the value of regional instruments, as and where applicable, including notably the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees, which include among refugees persons who cannot return to their countries due to indiscriminate threats resulting from situations such as generalized violence, armed conflict or events seriously disturbing public order, and the asylum legislation adopted by the European Union, which recognizes certain international protection needs beyond the 1951 Convention and its 1967 Protocol,

(c) *Recognizes* that refugee law is a dynamic body of law based on the obligations of State Parties to the 1951 Convention and its 1967 Protocol and, where applicable, on regional refugee protection instruments, and which is informed by the object and purpose of these instruments and by developments in related areas of international law, such as human rights and international humanitarian law bearing directly on refugee protection;

(f) *Calls on* States to make maximum use of existing protection instruments when addressing international protection needs; and *encourages* States that have not already done so to consider accession to the 1951 Convention and the 1967 Protocol and to relevant, applicable regional instruments and/or to consider lifting existing limitations or withdrawing reservations in order to ensure the widest possible application of the protection principles they contain;

**No. 104 (LVI) – 2005 – Local Integration**

*Recalling* the Agenda for Protection Goal 5, Objective 4 requesting the Executive Committee to set out framework considerations for implementing the solution of local integration in the form of a Conclusion; and *noting* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration, taking into account the specific circumstances of each refugee situation, may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it,

(a) *Recognizes* that the provisions of this Conclusion are intended to guide States in their consideration of whether local integration may be an appropriate durable solution for persons accepted as refugees in their territory pursuant to the 1951 Convention and its 1967 Protocol, or under the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, or the 1984 Cartagena Declaration on Refugees, or under domestic law, as applicable, as well as when implementing it;



## RESETTLEMENT

*The Executive Committee,*

### **No. 2 (XXVII) – 1976**

(h) *Further appealed* to States:

- (ii) To offer resettlement opportunities to those who had been unable to obtain permanent residence in the State of first asylum;

### **No. 23 (XXXII) – 1981**

*Adopted* the following conclusions on problems related to the rescue of asylum seekers in distress at sea.

(2) Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

(4) As a result of concerted efforts by many countries, large numbers of resettlement opportunities have been, and continue to be, provided for boat people. In view of this development, the question arises as to whether the first port of call countries might wish to examine their present policy of requiring resettlement guarantees as a precondition for disembarkation. Pending a review of practice by coastal States, it is of course desirable that present arrangements for facilitating disembarkation be continued.

### **No. 47 (XXXVIII) – 1987**

(1) *Stressed* the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the “Twenty or More” Plan providing for the resettlement of disabled refugee children;

### **No. 54 (XXXIX) – 1988**

*Called* on host Governments to strengthen their support of the Office’s protection activities as they relate to women, and for relevant Governments to support the Special Resettlement Programme for Women-at-risk;

### **No. 55 (XL) – 1989**

(m) *Underlined* that resettlement is not only a possible solution for some refugees, but is also an urgent protection measure in the individual case, welcomed the fact that several African States provide such resettlement opportunities, and invited all states to make places speedily available to respond to urgent or emergency protection situations facing individual refugees;

**No. 60 (XL) – 1989**

(c) *Called* for the reinforcement of preventive measures and for States and concerned agencies to strengthen their support of UNHCR's protection activities relating to refugee women, *inter alia*, by providing resettlement places for women at risk;

**No. 61 (XLI) – 1990**

(f) *Noting* the link between protection and resettlement, underlines the need for states to provide adequate places for refugees in need of resettlement;

**No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(xi) Ensure that resettlement programmes make special provisions for refugee women at risk.

**No. 67 (XLII) – 1991 – Resettlement as an Instrument of Protection**

*Reaffirming* the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

(a) *Calls* on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;

(b) *Requests* States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;

(c) *Recognizes* that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;

(d) *Recognizes* the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;

(e) *Acknowledges* the utility of close consultation with UNHCR in the resettlement activities of the Office;

(f) *Recognizes* that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;

(g) *Emphasizes* that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

**No. 68 (XLIII) – 1992**

(t) *Reaffirms* the important role of resettlement as an instrument of protection and as a durable solution in specific circumstances and, in this connection, calls on Governments for special flexibility and accelerated departures for compelling protection cases and vulnerable groups identified by the Office;

**No. 71 (XLIV) – 1993**

(q) *Reaffirms* the role of resettlement as an instrument of protection as well as its continuing value as a durable solution in specific circumstances, and suggests that States together with the High Commissioner explore possibilities for the more effective and flexible use of this measure, particularly to meet refugee protection needs;

**No. 74 (XLV) – 1994**

(bb) *Reaffirms* the continued importance of resettlement as an instrument of protection and its use as a durable solution in specific circumstances;

**No. 77 (XLVI) – 1995**

(p) *Reiterates* the continued importance of resettlement as an instrument of protection and its use as a durable solution to refugee problems in specific circumstances; welcomes the initiative in commissioning an evaluation study and the UNHCR-sponsored consultation on resettlement; and encourages UNHCR to continue the process of dialogue with interested Governments and non-governmental organizations to strengthen its activities in this connection, and to provide regular reports to the Executive Committee;

**No. 79 (XLVII) – 1996**

(r) *Reaffirms* its conclusion 67 (XLII) on resettlement as an instrument of protection and as a durable solution, and welcomes the action taken recently by UNHCR, including the issuance of the Resettlement Handbook on criteria and procedures, and encourages training activities to support resettlement operations in the field;

(s) *Acknowledges* the resettlement efforts undertaken by Governments and the efforts being made by UNHCR to take full advantage of resettlement opportunities and to find solutions for individual refugees considered in need of resettlement, and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;

(t) *Encourages* the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and NGOs on resettlement;

**No. 81 (XLVIII) – 1997**

(r) *Reaffirms* the continuing importance of resettlement as an instrument of protection and burden-sharing and as a durable solution in specific circumstances; encourages all Governments capable of doing so to make efforts to resettle refugees; encourages Governments who have not already done so to join in offering resettlement opportunities to refugees, and requests UNHCR to report on resettlement activities to the forty-ninth session of the Executive Committee;

**No. 85 (XLIX) – 1998**

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture;

**No. 90 (LII) – 2001**

(j) *Emphasizes* that the ultimate goal of international protection is to achieve a durable solution for refugees and *commends* States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;

(k) *Commends* in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, as appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

(l) *Acknowledges* that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the *International Conference on the Reception and Integration of Resettled Refugees* convened in Norrköping, Sweden, from 25 to 27 April 2001;<sup>[1]</sup>

(m) *Encourages* initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;

(n) *Recognizes* the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and *notes* that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and coordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and *encourages* States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;

<sup>[1]</sup> See EC/51/SC/INF.4., Annex.

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 95 (LIV) – 2003**

(q) *Welcomes* the report of the Working Group on Resettlement<sup>[3]</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;

(v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation

cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;

<sup>[3]</sup> EC/53/SC/CRP.10/Add.1.

#### **No. 99 (LV) – 2004**

(r) *Strongly encourages* States, UNHCR, and all relevant actors, whether alone or in partnership, to strengthen action to prevent and respond to sexual and gender-based violence, in particular through carrying out their respective responsibilities for the introduction of standard operating procedures, the rigorous implementation of relevant UNHCR Guidelines<sup>[5]</sup> and related measures highlighted by the Executive Committee in its Conclusion No. 98 (LIV) of 2003, as well as through the active use of resettlement, when appropriate, to ensure protection and a durable solution for victims of sexual and gender-based violence;

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

(x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

<sup>[5]</sup> Including the May 2003 Guidelines for Prevention and Response to Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons.

#### **No. 100 (LV) – 2004**

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

#### **No. 101 (LV) – 2004**

*Reaffirming* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations;

*reiterating* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and *noting* that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions,

#### **No. 102 (LVI) – 2005**

(s) *Also welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement; and *encourages* UNHCR to ensure high quality and well-documented resettlement referrals, to continue to strengthen its resettlement capacity and to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities, where resettlement is an appropriate solution, including through the group resettlement referral methodology;

#### **No. 104 (LVI) – 2005 – Local Integration**

(b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;

(e) *Encourages* States, UNHCR and other relevant actors when preparing comprehensive arrangements to consider the characteristics of individuals and groups of refugees within a broader refugee population who could benefit from voluntary repatriation, local integration or resettlement;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

(p) Recommended longer-term responses and solutions include partnerships and actions to:

ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xvii. Whether in the context of resettlement or local integration, facilitate the integration of refugee children through targeted support in schools, particularly for adolescents, and through providing language classes and education on the culture and social structures in the host country for refugee children; provide support for refugee children at heightened risk that is targeted at addressing their specific needs; and where integration is being implemented, facilitate, as far as possible, the naturalization of refugee children in accordance with national laws and regulations;

xviii. Enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents; and recognize UNHCR's role in the determination of the best interests of the child which should inform resettlement decisions including in situations where only one parent is being resettled and custody disputes remain unresolved due to the unavailability or inaccessibility of competent authorities, or due to the inability to obtain official documents from the country of origin as this could jeopardize the safety of the refugee or his/her relatives; and

#### **No. 108 (LIX) – 2008**

##### Resettlement

(o) *Welcomes* the progress that has been achieved in increasing the number of States offering opportunities for resettlement and the number of refugees resettled, in particular of women and girls at heightened risk;

(p) *Encourages* UNHCR to continue its efforts in collaboration with resettlement countries to promote the use of resettlement strategically;

(q) *Reaffirms* the strategic use of resettlement as an instrument of protection and its use as a durable solution, especially to resolve protracted refugee situations; *notes* the exponential increase in the number of refugees in need of resettlement identified by UNHCR as a result of its concerted efforts to conduct needs-based assessments; *urges* States without existing resettlement programmes to offer places for refugees recognized by UNHCR and in need of third country resettlement; *encourages* States with existing programmes to consider making available more resettlement places; and *acknowledges* the importance of registration as a tool of protection and as a means to enable quantification and assessment of the need for resettlement;

## **RETURN OF PERSONS FOUND NOT TO BE IN NEED OF INTERNATIONAL PROTECTION**

*The Executive Committee,*

### **No. 6 (XXVIII) – 1977**

(c) *Reaffirms* the fundamental importance of the observance of the principle of *non-refoulement* – both at the border and within the territory of a State – of persons who may be subjected to persecution if returned to their country of origin irrespective of whether or not they have been formally recognized as refugees.

### **No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

(xi) development of measures by States to deal responsibly and effectively with rejected asylum-seekers;

### **No. 74 (XLV) – 1994**

(l) *Recognizes* that, while persons who are unable to return in safety to their countries of origin as a result of situations of conflict may or may not be considered refugees within the terms of the 1951 Convention and 1967 Protocol, depending on the particular circumstances, they nonetheless are often in need of international protection, humanitarian assistance and a solution to their plight;

(t) *Notes* that the beneficiaries of temporary protection may include both persons who qualify as refugees under the terms of the 1951 Convention and the 1967 Protocol and others who may not so qualify, and that in providing temporary protection States and UNHCR should not diminish the protection afforded to refugees under those instruments;

### **No. 77 (XLVI) – 1995**

(l) *Emphasizes* in this context the need to address problems pertaining to the return of persons not in need of international protection, and encourages UNHCR to cooperate with other international organizations in looking into ways in which the return process can be facilitated, and to inform the Standing Committee;

### **No. 79 (XLVII) – 1996**

(u) *Reiterates* the right of all persons to return to their countries and the responsibility of all States to accept and facilitate the return and reintegration of their nationals, and recommends to States that strategies for facilitating the return, in safety and with dignity, of persons not in need of international protection be examined within a framework of international cooperation;

### **No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted



refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(s) *Reaffirms* the right of all persons to return to their countries, and the responsibility of States to facilitate the return and reintegration of their nationals; recommends to States that strategies for facilitating the return, in safety and dignity, of persons not in need of international protection be examined within a framework of international cooperation; and encourages UNHCR to continue, in cooperation with other appropriate international organizations, to look into ways in which the return process of individuals, determined through fair and effective procedures not to be in need of international protection, can be facilitated, and to inform the Standing Committee;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 85 (XLIX) – 1998**

(bb) *Deeply deplores* the use of those practices for the return of asylum-seekers and persons not in need of international protection which seriously endanger their physical safety and reiterates in this regard that, irrespective of the status of the persons concerned, returns should be undertaken in a humane manner and in full respect for their human rights and dignity and without resort to excessive force;

**No. 96 (LIV) – 2003 – Conclusion on the Return of Persons Found Not to Be in Need of International Protection**

*The Executive Committee,*

*Expressing* appreciation for the timely and useful discussion which took place on the return of persons found not to be in need of international protection, in the context of the Global Consultations on International Protection<sup>[1]</sup>, and which led to Goal 2, objective 7 of the Agenda for Protection;<sup>[2]</sup>

*Bearing in mind* that the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole, as well as to the control of irregular migration and prevention of smuggling and trafficking of such persons;

*Concerned* by the difficulties experienced by many countries of asylum in different parts of the world in effecting the return of persons found not to be in need of international protection, which have served to undermine the integrity of individual asylum systems;

*Recalling* the obligation of States to receive back their own nationals, as well as the right of States, under international law, to expel aliens while respecting obligations under international refugee and human rights law;

*Recalling* also that the 2000 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>131</sup> sets out the obligation of States parties to facilitate and accept, without undue or unreasonable delay, the return of a person who has been smuggled and who is its national or who has the right of permanent residence in its territory at the time of return;

*Observing* that, for the purposes of this Conclusion, the term “persons found not to be in need of international protection” is understood to mean persons who have sought international protection and who after due consideration of their claims in fair procedures, are found neither to qualify for refugee status on the basis of criteria laid down in the 1951 Convention, nor to be in need of international protection in accordance with other international obligations or national law;

(a) *Reaffirms* the right of everyone to leave any country, including his or her own, and to return to his or her own country as well as the obligation of States to receive back their own nationals, including the facilitation thereof, and remains seriously concerned, as regards the return of persons found not to be in need of international protection, that some countries continue to restrict the return of their own nationals, either outright or through laws and practices which effectively block expeditious return;

(b) *Emphasizes* that the credibility of individual asylum systems is seriously affected by the lack of prompt return of those who are found not to be in need of international protection;

(c) *Reiterates* that return of persons found not to be in need of international protection should be undertaken in a humane manner, in full respect for human rights and dignity and, that force, should it be necessary, be proportional and undertaken in a manner consistent with human rights law; and *emphasizes* that in all actions concerning children, the best interests of the child shall be a primary consideration;

(d) *Recognizes* the importance that persons found not to be in need of international protection cooperate with return arrangements;

(e) *Calls on* States to cooperate regarding the efficient and expeditious return of persons found not to be in need of international protection, to their countries of origin, other countries of nationality or countries with an obligation to receive them back, notably by;

(i) cooperating actively, including through their diplomatic and consular offices, in establishing the identity of persons presumed to have a right to return, as well as determining their nationality, where there is no evidence of nationality in the form of genuine travel or other relevant identity documents for the person concerned;

(ii) finding practical solutions for the issuance of appropriate documentation to persons who are not or no longer in possession of a genuine travel document;

(f) *Calls upon* States parties to the 1951 Convention and the 1967 Protocol to facilitate the return of persons found not to be in need of international protection by providing facilities for the transit of such persons taking into account, where applicable, agreements concerning the mutual recognition of asylum determination decisions;

(g) *Recalls* further that Annex 9 to the 1944 Convention on International Civil Aviation requires that States, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time, and not more than 30 days after such a request is made, either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals;

(h) *Refers to* its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons, and *urges* States to take steps to avoid cases of statelessness as well as to adopt measures leading to the grant of a legal status to stateless persons;

(i) *Welcomes* the expertise developed by IOM in the assisted voluntary return of persons found not to be in need of international protection and *notes* UNHCR's cooperation with IOM in this area;

(j) *Recommends*, depending on the situation, that UNHCR complement the efforts of States in the return of persons found not to be in need of international protection by:

(i) Promoting with States those principles which bear on their responsibility to accept back their nationals, as well as principles on the reduction of statelessness;

(ii) Taking clear public positions on the acceptability of return of persons found not to be in need of international protection,

(iii) Continuing its dialogue with States to review their citizenship legislation, particularly if it allows renunciation of nationality without at the same time ensuring that the person in question has acquired another nationality and could be used to stop or delay the return of a person to a country of nationality;

(k) *Takes note of* UNHCR's readiness, on a good offices basis, to support States, upon their request, in their endeavours to return persons found not to be in need of international protection, in particular where obstacles to return are encountered and provided that the involvement of the Office is not inconsistent with its humanitarian mandate to provide international protection to refugees;

(l) *Stresses* the importance of ensuring the sustainability of returns and of avoiding further displacements in countries emerging from conflict, and *notes* that phasing returns of persons found not to be in need of international protection can contribute to this; while *also recognizing* that once a person found not to be in need of international protection has made an informed decision to return voluntarily, this should take place promptly;

(m) *Notes* the value of State data on return of persons found not to be in need of international protection to assist in analysing the rate of return and the scope of the problem of achieving returns.

<sup>[1]</sup> EC/GC/01/15/Rev.1.

<sup>[2]</sup> A/AC.96/965 Add. 1.

<sup>[3]</sup> Article 18(1).

#### **No. 97 (LIV) – 2003**

(vii) Intercepted persons who do not seek or who are determined not to be in need of international protection should be returned swiftly to their respective countries of origin or other country of nationality or habitual residence and States are encouraged to cooperate in facilitating this process;

#### **No. 101 (LV) – 2004**

*Recalling* its Conclusion No. 96 and *noting* that the present Conclusion does not apply to persons found not to be in need of international protection,

## RIGHT TO RETURN

*The Executive Committee,*

### **No. 40 (XXXVI) – 1985**

*Reaffirming* the significance of its 1980 conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

- (a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed;

### **No. 74 (XLV) – 1994**

(v) *Reiterates* that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, UNHCR and the international community as a whole to do everything possible to enable refugees to exercise freely their right to return home in safety and dignity;

(x) *Stresses* in this connection the responsibilities of States of origin to readmit their nationals and to ensure their safety and welfare, and of countries of asylum to provide for the security and safeguard the fundamental rights of refugees, and calls upon the international community to assist States to discharge these responsibilities with respect to refugees and returnees;

### **No. 77 (XLVI) – 1995**

(k) *Reiterates* the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions which allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls on all States to facilitate the return of their nationals who are not refugees;

### **No. 79 (XLVII) – 1996**

(u) *Reiterates* the right of all persons to return to their countries and the responsibility of all States to accept and facilitate the return and reintegration of their nationals, and recommends to States that strategies for facilitating the return, in safety and with dignity, of persons not in need of international protection be examined within a framework of international cooperation;

(v) *Encourages* UNHCR in this context, in cooperation with other appropriate international organizations, to continue the consultative process initiated in 1995 on the question of how the return process can be facilitated;

### **No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

**No. 81 (XLVIII) – 1997**

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees; affirms that voluntary repatriation of refugees is the most preferred solution, when feasible; and calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

(s) *Reaffirms* the right of all persons to return to their countries, and the responsibility of States to facilitate the return and reintegration of their nationals; recommends to States that strategies for facilitating the return, in safety and dignity, of persons not in need of international protection be examined within a framework of international cooperation; and encourages UNHCR to continue, in cooperation with other appropriate international organizations, to look into ways in which the return process of individuals, determined through fair and effective procedures not to be in need of international protection, can be facilitated, and to inform the Standing Committee;

**No. 85 (XLIX) – 1998**

(z) *Reaffirms* the fundamental right of all people to leave and to return to their own countries, as well as the obligation of States to receive back their own nationals, and remains seriously concerned, as regards the return of persons not in need of international protection, that some countries continue to restrict the return of their nationals, either outright or through laws and practices which effectively block expeditious return;

(hh) *Calls upon* countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

**No. 96 (LIV) – 2003**

(a) *Reaffirms* the right of everyone to leave any country, including his or her own, and to return to his or her own country as well as the obligation of States to receive back their own nationals, including the facilitation thereof, and remains seriously concerned, as regards the return of persons found not to be in need of international protection, that some countries continue to restrict the return of their own nationals, either outright or through laws and practices which effectively block expeditious return;

**No. 101 (LV) – 2004**

*Recognizing* the usefulness of States, as countries of asylum or countries of origin, and UNHCR concluding, where appropriate, tripartite agreements to facilitate voluntary repatriation efforts, thereby setting out the core elements and modalities of voluntary repatriation, the respective roles and responsibilities of the relevant actors involved, and the obligations of States with respect to returning refugees, while also noting that, under certain circumstances, voluntary repatriation may take place without such agreements,

(b) *Reaffirms* that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; *urges* States to issue necessary travel documents, if required, to facilitate such return; *calls* upon transit countries to assist in the facilitation of return; and also *notes* that refugees may be required to be subject to

brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;<sup>[2]</sup> and, in this context, *notes* the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

(d) *Emphasizing* that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;

(e) *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return; and *recognizes* that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin;

(f) *Strongly* urges countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

(m) *Calls on* countries of origin and countries of habitual residence to accept back refugees who are non-nationals but have been habitually resident in that country, including those who were previously stateless there;

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

<sup>[2]</sup> See Article 12(3) of International Covenant on Civil and Political Rights.

## SEXUAL VIOLENCE

*The Executive Committee,*

### **No. 39 (XXXVI) – 1985**

(d) *Recognized* that these problems result from their vulnerable situation which frequently exposes them to physical violence, sexual abuse, and discrimination;

(e) *Stressed* the need for such problems to receive the urgent attention of Governments and of UNHCR and for all appropriate measures to be taken to guarantee that refugee women and girls are protected from violence or threats to their physical safety or exposure to sexual abuse or harassment;

### **No. 47 (XXXVIII) – 1987**

(e) *Condemned* the exposure of refugee children to physical violence and other violations of their basic rights, including through sexual abuse, trade in children, acts of piracy, military or armed attacks, forced recruitment, political exploitation or arbitrary detention, and called for national and international action to prevent such violations and assist the victims;

### **No. 54 (XXXIX) – 1988**

*Recognized* that with regard to international protection, there are situations in which refugee women face particular hazards, especially threats to their physical safety and sexual exploitation;

### **No. 60 (XL) – 1989**

b) *Noted* with serious concern that the basic rights of refugee women continue to be violated in a number of situations, including through threats to their physical safety and sexual exploitation;

### **No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(v) Integrate considerations specific to the protection of refugee women into assistance activities from their inception, including when planning refugee camps and settlements, in order to be able to deter, detect and redress instances of physical and sexual abuse as well as other protection concerns at the earliest possible moment;

vi) Extend professional and culturally appropriate gender-based counselling as well as other related services to refugee women who are victims of abuse;

vii) Identify and prosecute persons who have committed crimes against refugee women and protect the victims of such crimes from reprisals;

**No. 68 (XLIII) – 1992**

(i) *Expresses* appreciation for the progress report on the implementation of the Guidelines on the Protection of Refugee Women (EC/SCP/74), notes with great concern the precarious situation of many refugee women, whose physical safety is often endangered and who often do not have equal access to basic necessities including adequate health and educational facilities, and calls upon all States, UNHCR and other concerned parties to ensure implementation of the Guidelines, particularly through measures aimed at eliminating all forms of sexual exploitation of and violence against refugee women, protecting women heads of household, and promoting their active participation and involvement in decisions affecting their lives and communities;

**No. 73 (XLIV) – 1993 – Refugee Protection and Sexual Violence**

*Noting* with grave concern the widespread occurrence of sexual violence in violation of the fundamental right to personal security as recognized in international human rights and humanitarian law, which inflicts serious harm and injury to the victims, their families and communities, and which has been a cause of coerced displacement including refugee movements in some areas of the world,

*Noting* also distressing reports that refugees and asylum-seekers, including children, in many instances have been subjected to rape or other forms of sexual violence during their flight or following their arrival in countries where they sought asylum, including sexual extortion in connection with the granting of basic necessities, personal documentation or refugee status,

*Recognizing* the need for concrete action to detect, deter and redress instances of sexual violence to effectively protect asylum-seekers and refugees,

*Recognizing* further that the prevention of sexual violence can contribute to averting coerced displacement including refugee situations and to facilitating solutions,

*Stressing* the importance of international instruments relating to refugees, human rights and humanitarian law for the protection of asylum-seekers, refugees and returnees against sexual violence,

*Bearing in mind* the draft Declaration on the Elimination of Violence against Women adopted by the Commission on the Status of Women as well as other measures being taken by the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, the Security Council and other bodies of the United Nations to prevent, investigate and, as appropriate, according to their mandates, punish sexual violence,

*Reaffirming* its Conclusions No. 39 (XXXVI), No. 54 (XXXIX), No. 60 (XL) and No. 64 (XLI) concerning refugee women,

(a) *Strongly condemns* persecution through sexual violence, which not only constitutes a gross violation of human rights, as well as, when committed in the context of armed conflict, a grave breach of humanitarian law, but is also a particularly serious offense to human dignity;

(b) *Urges* States to respect and ensure the fundamental right of all individuals within their territory to personal security, *inter alia* by enforcing relevant national laws in compliance with international legal standards and by adopting concrete measures to prevent and combat sexual violence, including:

(i) the development and implementation of training programmes aimed at promoting respect by law enforcement officers and members of military forces of the right of every individual, at all times and under all circumstances, to security of person, including protection from sexual violence,



- (ii) implementation of effective, non-discriminatory legal remedies including the facilitation of the filing and investigation of complaints against sexual abuse, the prosecution of offenders, and timely and proportional disciplinary action in cases of abuse of power resulting in sexual violence,
  - (iii) arrangements facilitating prompt and unhindered access to all asylum-seekers, refugees and returnees for UNHCR and, as appropriate, other organizations approved by the Governments concerned, and
  - (iv) activities aimed at promoting the rights of refugee women, including through the dissemination of the Guidelines on the Protection of Refugee Women and their implementation, in close cooperation with refugee women, in all sectors of refugee programmes;
- (c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;
- (d) *Supports* the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion;
- (e) *Recommends* the development by States of appropriate guidelines on women asylum-seekers, in recognition of the fact that women refugees often experience persecution differently from refugee men;
- (f) *Recommends* that refugee victims of sexual violence and their families be provided with adequate medical and psycho-social care, including culturally appropriate counselling facilities, and generally be considered as persons of special concern to States and to UNHCR with respect to assistance and the search for durable solutions;
- (g) *Recommends* that in procedures for the determination of refugee status, asylum-seekers who may have suffered sexual violence be treated with particular sensitivity;
- (h) *Reiterates* the importance of ensuring the presence of female field staff in refugee programmes, including emergency operations, and the direct access of refugee women to them;
- (i) *Supports* the High Commissioner's efforts, in coordination with other intergovernmental and non-governmental organizations competent in this area, to develop and organize training courses for authorities, including camp officials, eligibility officers, and others dealing with refugees on practical protection measures for preventing and responding to sexual violence;
- (j) *Recommends* the establishment by States of training programmes designed to ensure that those involved in the refugee status determination process are adequately sensitized to issues of gender and culture;
- (k) *Encourages* the High Commissioner to pursue actively her efforts, in cooperation with bodies and organizations dealing with human rights, to increase awareness of the rights of refugees and the specific needs and abilities of refugee women and girls and to promote the full and effective implementation of the Guidelines on the Protection of Refugee Women;
- (l) *Calls upon* the High Commissioner to include the issue of sexual violence in future progress reports on the implementation of the Guidelines on the Protection of Refugee Women;

(m) Requests the High Commissioner to issue as an Executive Committee document and disseminate widely the Note on Certain Aspects of Sexual Violence against Refugee Women.

**No. 74 (XLV) – 1994**

(f) *Deplores* the fact that in certain situations refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights and that incidents of *refoulement* and denial of access to safety have occurred;

**No. 77 (XLVI) – 1995**

(g) *Calls upon* the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines, and by monitoring to ensure their fair and consistent application. In accordance with the principle that women's rights are human rights, these guidelines should recognize as refugees women whose claim to refugee status is based upon well-founded fear of persecution for reasons enumerated in the 1951 Convention and 1967 Protocol, including persecution through sexual violence or other gender-related persecution;

**No. 79 (XLVII) – 1996**

(k) *Deplores* violations of the right to personal security of refugees and asylum-seekers, including sexual and other attacks, especially on women and children, and appeals to all States to abide by their international obligations to protect the physical security of refugees and asylum-seekers and to take measures to ensure that such practices cease immediately;

(o) *Recalls* its request that UNHCR support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution specifically aimed at women, welcomes in this context the convening by UNHCR in February 1996 of the Symposium on Gender-Based Persecution, the purpose of which was to share information on States' initiatives in this respect, and encourages UNHCR to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution; and calls on States to adopt an approach that is sensitive to gender-related concerns and which ensures that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and its 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees;

**No. 81 (XLVIII) – 1997**

(t) *Reaffirms* its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL), 64 (XLI) and 73 (XLIV), and urges States, UNHCR, and other humanitarian organizations, as appropriate, to take all necessary steps to implement these Conclusions, including through recognizing as refugees women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution; by the integration of activities on behalf of refugee women in every aspect of programme planning and implementation; and by taking action to eliminate incidents of violence against women and girls;

**No. 84 (XLVIII) – 1997**

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(iii) preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through provision of appropriate legal and rehabilitative remedies; and by following up on the Plan of Action of the 1996 Stockholm World Congress on the Sexual Exploitation of Children;

**No. 85 (XLIX) – 1998**

(b) *Deplores*, in particular, that in certain situations, refugees, as well as returnees and other persons of concern to UNHCR, have been subjected to armed attacks, murder, rape and other serious violations of or threats to their personal security, including through denial of access to safety, *refoulement* or expulsion to highly dangerous situations;

(j) *Deplores* gender-related violence and all forms of discrimination on grounds of sex directed against refugee and displaced women and girls, and calls on States to ensure that their human rights and physical and psychological integrity are protected, and that they are made aware of these rights;

(k) *Remains* deeply concerned also about continuing violations of the rights of refugee children, including through abduction with a view to forcing participation in military activities, as well as through acts of violence, threats to their dignity, forced family separation, and sexual abuse and exploitation, and calls on States and relevant parties to take all necessary measures to end these violations, in compliance with principles and standards of refugee law, human rights law and humanitarian law;

**No. 87 (L) – 1999**

(n) *Notes* with appreciation special efforts by States to incorporate gender perspectives into asylum policies, regulations and practices; encourages States, UNHCR and other concerned actors to promote wider acceptance, and inclusion in their protection criteria of the notion that persecution may be gender-related or effected through sexual violence; further encourages UNHCR and other concerned actors to develop, promote and implement guidelines, codes of conduct and training programmes on gender-related refugee issues, in order to support the mainstreaming of a gender perspective and enhance accountability for the implementation of gender policies;

**No. 89 (LI) – 2000**

*Welcoming* the continued grant of asylum to large numbers of refugees by many States but deeply disturbed by violations of internationally recognized rights of refugees which include *refoulement* of refugees, militarization of refugee camps, participation of refugee children in military activities, gender-related violence and discrimination directed against refugees, particularly female refugees, and arbitrary detention of asylum-seekers and refugees; also concerned about the less than full application of international refugee instruments by some States Parties;

**No. 90 (LII) – 2001**

(s) *Strongly condemning* the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; *calls upon* States to cooperate in the establishment of identity and nationality status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

**No. 91 (LIII) – 2001**

*Recalling* its Conclusion No. 22 (XXXII) on the protection of asylum-seekers in situations of large-scale influx, Conclusion No. 35 (XXXV) on identity documents for refugees, Conclusion No. 39

(XXXVI) and Conclusion No. 64 (XLI) on refugee women and international protection, as well as Conclusion No. 73 (XLIV) on refugee protection and sexual violence;

**No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 98 (LIV) – 2003 – Protection from Sexual Abuse and Exploitation**

*The Executive Committee,*

*Reaffirming* its Conclusions No. 39 (XXXVI), No. 47 (XXXVIII), No. 54 (XXXIX), No. 60 (XL), No. 64 (XLI), No. 68 (XLIII), No. 73 (XLIV), No.74 (XLVI), No.79 (XLVII), No.84 (XLVIII), No.85 (XLIX), No.87 (L), No. 91 (LII) and No.94 (LIII) and in particular the need to combat sexual and gender-based violence in refugee situations; and recalling also in this context the relevant goals and objectives of the Agenda for Protection;

*Recalling* the international community’s efforts to strengthen the international legal framework for combating sexual abuse and exploitation;

*Recalling* also the report of the United Nations Office of the Internal Oversight Services on the investigation into sexual exploitation of refugees by aid workers in West Africa<sup>1</sup>, and resolution A/RES/57/306;

<sup>[1]</sup> A/57/465

*Noting* distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

*Recognizing* that sexual abuse and exploitation are a consequence of unequal power relationships; a dynamic that is often exacerbated during humanitarian crises characterized by widespread violence, mass displacement, and the breakdown in family structures, social and value systems; and noting with distress, the involvement of humanitarian workers, officials and other persons working closely with refugee populations;

*Acknowledging* that inadequate protection or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

*Recognizing* the importance of effective mechanisms to prevent and respond to the occurrence of sexual abuse and exploitation in all phases of the refugee experience;

*Recognizing* that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

*Welcoming* the June 2002 Report of the Inter-Agency Standing Committee Task-Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and its plan of action to address the problem of sexual abuse and exploitation;

*Recalling* previous UNHCR policies and guidelines intended to address violence against refugees, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women; the 1993 Policy on Refugee Children and 1994 Refugee Children: Guidelines on Protection and Care, the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response, as updated in 2003; and the High Commissioner's 2001 Five Commitments to Refugee Women;

*Noting* the issuance in May 2003 of UNHCR's revised *Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations*, as well as the UNHCR *Guidelines on International Protection, Gender-Related Persecution*, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

*Welcoming* UNHCR's efforts to address the problem through the promulgation and implementation of a Code of Conduct for UNHCR staff, in accordance with the plan of action of the Inter-Agency Standing Committee's Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises; and the amendment of its programme implementation sub-agreements to include a requirement for implementing partners to have similar Codes of Conduct and for these to be implemented fully;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(i) Ensuring explicit reference in codes of conduct and other relevant policies to the responsibilities of relevant personnel to prevent and respond appropriately to sexual and gender-based violence, including sexual abuse and exploitation;

(ii) Ensuring the prompt investigation of allegations of sexual abuse and exploitation;

(iii) Ensuring that actions undertaken on behalf of refugees and asylum-seekers, including women, children and vulnerable persons, enhance their meaningful participation in decision-making processes; that they are provided with sufficient information to form their opinions, and channels for communicating their concerns to humanitarian agencies, and are provided with full information about refugee protection and available assistance;

(iv) Ensuring that needs assessments, evaluations and reports, identify vulnerabilities to sexual exploitation and abuse and provide a basis for improved programme planning that minimizes risks and opportunities for sexual abuse and exploitation, and that protection

and assistance processes, taking into account the quantity and quality of assistance and distribution methods, including supervision, are designed and implemented in a manner that reduces the risk of sexual abuse and exploitation;

(v) Ensuring that camp governance is conducted in an equitable manner that empowers women, children and vulnerable groups and that the physical layout of camps is designed in such a way as to make such individuals less vulnerable to sexual abuse and exploitation;

(vi) Ensuring that easily accessible and confidential complaint and redress mechanisms are in place for victims of sexual abuse and exploitation, and that they appropriately apply sanctions to perpetrators and ensure that such mechanisms respect due process rights of the accused, and safeguard the security and rights of the victim or witnesses;

(vii) Ensuring the existence of adequate remedial measures in order to appropriately care for victims of sexual abuse and exploitation;

(viii) Conducting training and capacity building on the prevention and response to sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(i) Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;

(ii) Implementing the relevant recommendations from the evaluations of UNHCR's activities in the area of refugee women, refugee children and community services;

(iii) Ensuring adequate levels of monitoring and supervision of programmes for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at field level to implement concrete programmes of action;

(iv) Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;

(v) Promoting gender balance in staff at all levels, both at headquarters and in the field, as well as expert and specialist competence, while having regard to merit selection principles;

(c) *Urges* all States, consistent with applicable international refugee, human rights and humanitarian law:

(i) to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and

(ii) to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

(d) *Urges* States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, *inter alia* by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

- (i) The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;
  - (ii) Appropriate follow-up action in response to allegations of sexual violence and exploitation including, where necessary, by implementation of remedies, such as facilitating the filing and investigation of complaints of sexual violence and exploitation, the prosecution of offenders, and timely and proportional disciplinary sanctions in cases of abuse of power or gross negligence resulting in sexual exploitation;
  - (iii) Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;
- (e) *Calls on* States to ensure that all humanitarian agencies funded by them and working with refugees integrate and promote policies consistent with the core principles of the plan of action of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises;
- (f) *Calls on* UNHCR to support its internal investigation capacity within the Inspector General's Office to ensure that the Office is able to react swiftly and effectively to ascertain the veracity of any allegations of sexual abuse or exploitation by UNHCR or implementing partner staff;
- (g) *Calls upon* the international community in cooperation with UNHCR and other international organisations to mobilize the resources necessary to ensure the provision of protection and material assistance in support of host countries, based on international solidarity, cooperation, burden and responsibility-sharing, since inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;
- (h) *Calls upon* UNHCR to continue its cooperation with other actors to ensure protection from exploitation and abuse of refugees and asylum-seekers, including through participation in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and other coordination mechanisms;
- (i) *Calls upon* UNHCR to continue to report on a regular basis on progress made in the implementation of measures to combat sexual abuse and exploitation.

**No. 99 (LV) – 2004**

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

(r) *Strongly encourages* States, UNHCR, and all relevant actors, whether alone or in partnership, to strengthen action to prevent and respond to sexual and gender-based violence, in particular through carrying out their respective responsibilities for the introduction of standard operating procedures, the rigorous implementation of relevant UNHCR Guidelines<sup>[5]</sup> and related measures highlighted by the Executive Committee in its Conclusion No. 98 (LIV) of 2003, as well as through the active use of resettlement, when appropriate, to ensure protection and a durable solution for victims of sexual and gender-based violence;

[5] Including the May 2003 Guidelines for Prevention and Response to Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons.

#### **No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

#### **No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

(u) *Strongly condemns* the unscrupulous actions of individuals or entities who misuse or abuse, in any manner whatsoever, assistance intended for refugees, for their own ends to exploit and abuse refugees and other persons of concern; and *calls on* States, UNHCR, relevant United Nations agencies and non-governmental organizations, to denounce and to take action to prevent abuse or exploitation which may deprive refugees and other persons of concern of adequate assistance and which may heighten the vulnerability in particular of refugee women and children;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,



### Identification of women and girls at risk

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

### Preventive strategies

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR "Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response", 2003; Inter-Agency Standing Committee (IASC) "Guidelines for Gender-based Violence Interventions in Humanitarian Settings", 2005.

v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and

vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

Individual responses and solutions

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;
- ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;
- iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and
- iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

**No. 107 (LVIII) – 2007 – Children at Risk**

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

- x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

**No. 108 (LIX) – 2008**

*Deeply preoccupied* by current and persistent protection problems of persons of concern, including the rejection of refugees and asylum-seekers at frontiers without examination of claims for asylum or safeguards to prevent *refoulement*, long-term detention, continuing sexual and gender-based violence and exploitation, and manifestations of xenophobia, racism and related intolerance,

## SMUGGLING AND TRAFFICKING

*The Executive Committee,*

### **No. 84 (XLVIII) – 1997 – Refugee Children and Adolescents**

(b) Urges States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(iii) preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through provision of appropriate legal and rehabilitative remedies; and by following up on the Plan of Action of the 1996 Stockholm World Congress on the Sexual Exploitation of Children;

### **No. 87 (L) – 1999**

#### Access to protection

(1) *Reaffirms* Conclusion No. 58 (XL) on irregular movements; *notes* with concern that refugees who have already found and continue to enjoy protection in a first country of asylum continue to move in an irregular manner to other countries on a significant scale; and *encourages* UNHCR, States and other relevant actors to enhance cooperation to address the causes of such movements, in particular with a view to ensuring treatment of asylum-seekers and refugees in accordance with the highest possible standards of protection in first countries of asylum, and to creating awareness as to the risks and dangers linked to irregular movements, notably exploitation by traffickers; and further *encourages* UNHCR to work with transit and destination countries to ensure that the protection and assistance needs of such asylum-seekers and refugees are met;

### **No. 89 (LI) – 2000**

*Taking note* of complex features of the evolving environment in which refugee protection has to be provided, including the nature of armed conflict and current patterns of displacement, mixed population flows, the high costs of hosting large numbers of refugees and asylum-seekers and of maintaining asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

*Noting* the discussions in the Standing Committee on the interception of asylum-seekers and refugees, and *recognizing* the importance of adopting comprehensive measures, between all relevant States and in cooperation with UNHCR, international organizations and other appropriate organizations, to deal effectively with irregular migration, trafficking and smuggling of persons, potentially including refugees and asylum-seekers, and ensure in this context that international protection and assistance needs of asylum-seekers and refugees are identified and fully met, consistent with international protection responsibilities, in particular the principle of *non-refoulement*;

### **No. 90 (LII) – 2001**

(s) Strongly condemning the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; *calls upon* States to cooperate in the establishment of identity and nationality

status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

**No. 96 (LIV) – 2003**

*Bearing in mind* that the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole, as well as to the control of irregular migration and prevention of smuggling and trafficking of such persons;

*Recalling* also that the 2000 United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>[3]</sup> sets out the obligation of States parties to facilitate and accept, without undue or unreasonable delay, the return of a person who has been smuggled and who is its national or who has the right of permanent residence in its territory at the time of return;

<sup>[3]</sup> Article 18(1).

**No. 97 (LIV) – 2003**

*Concerned* about the many complex features of the evolving environment in which refugee protection has to be provided, including the persistence of armed conflict, the complexity of current forms of persecution, ongoing security challenges, mixed population flows, the high costs that may be connected with hosting asylum-seekers and refugees and of maintaining individual asylum systems, the growth in trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding those not entitled to refugee protection, as well as the lack of resolution of long-standing refugee situations;

*Recalling* the emerging legal framework<sup>[3]</sup> for combating criminal and organized smuggling and trafficking of persons, in particular the Protocol Against the Smuggling of Migrants by Land, Sea and Air, which, *inter alia*, contemplates the interception of vessels enjoying freedom of navigation in accordance with international law, on the basis of consultations between the flag State and the intercepting State in accordance with international maritime law, provided that there are reasonable grounds to suspect that the vessel is engaged in the smuggling of migrants by sea;

*Noting* the saving clauses contained in each of the Protocols<sup>[4]</sup> and the reference to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the principle of *non-refoulement*;

(vi) Intercepted asylum-seekers and refugees should not become liable to criminal prosecution under the *Protocol Against the Smuggling of Migrants by Land, Sea or Air* for the fact of having been the object of conduct set forth in article 6 of the Protocol; nor should any intercepted person incur any penalty for illegal entry or presence in a State in cases where the terms of Article 31 of the 1951 Convention are met;

<sup>[3]</sup> The United Nations Convention Against Transnational Organized Crime, 2000 and its Supplementary Protocols Against the Smuggling of Migrants by Land, Sea and Air; and to Suppress and Punish Trafficking in Persons, Especially Women and Children.

<sup>[4]</sup> Article 19 of the Smuggling Protocol and Article 14 of the Trafficking Protocol.

**No. 102 (LVI) – 2005**

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection

regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

Prevention of Statelessness

(l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;

(m) *Calls upon* States Parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, to respect their obligation to assist in verifying the nationality of the persons referred to them who have been smuggled or trafficked with a view to issuing travel and identity documents and facilitating the return of such persons; and, *encourages* other States to provide similar assistance;

**No. 107 (LVIII) – 2007 – Children at Risk**

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages;

children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

viii. Develop child and gender-sensitive national asylum procedures, where feasible, and UNHCR status determination procedures with adapted procedures including relevant evidentiary requirements, prioritized processing of unaccompanied and separated child asylum-seekers, qualified free legal or other representation for unaccompanied and separated children, and consider an age and gender-sensitive application of the 1951 Convention through the recognition of child-specific manifestations and forms of persecution, including under-age recruitment, child trafficking and female genital mutilation;

**No. 108 (LIX) – 2008**

(e) *Welcomes* the discussions in the High Commissioner's Dialogue on Protection Challenges in December 2007, and *affirms* the mandated role of UNHCR in the identification of refugees and other persons of concern to the Office in mixed migratory movements with a view to meeting their international protection needs; *recognizes* the importance of enhanced cooperation among States, UNHCR, international agencies, including the International Organization for Migration, and other relevant actors, to address the complex problems arising in the context of mixed migratory movements including people smuggling and trafficking in persons;

## STATELESSNESS

### Conclusions Specific to Statelessness

*The Executive Committee,*

#### **No. 78 (XLVI) – 1995 – Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Recognizing* the right of everyone to a nationality and the right not to be arbitrarily deprived of one's nationality,

*Concerned* that statelessness, including the inability to establish one's nationality, may result in displacement,

*Stressing* that the prevention and reduction of statelessness and the protection of stateless persons are important in the prevention of potential refugee situations,

(a) *Acknowledges* the responsibilities already entrusted to the High Commissioner for stateless refugees and with respect to the reduction of statelessness, and encourages UNHCR to continue its activities on behalf of stateless persons, as part of its statutory function of providing international protection and of seeking preventive action, as well as its responsibility entrusted by the General Assembly to undertake the functions foreseen under Article 11 of the 1961 Convention on the Reduction of Statelessness;

(b) *Calls upon* States to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality, and by eliminating provisions which permit the renunciation of a nationality without the prior possession or acquisition of another nationality;

(c) *Requests* UNHCR actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, in view of the limited number of States parties to these instruments, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

(d) *Further requests* UNHCR actively to promote the prevention and reduction of statelessness through the dissemination of information, and the training of staff and government officials; and to enhance cooperation with other interested organizations;

(e) *Invites* UNHCR to provide it biennially, beginning at the forty-seventh session of the Executive Committee, with information on activities undertaken on behalf of stateless persons, particularly with regard to the implementation of international instruments and international principles relating to statelessness, and including the magnitude of the problem of statelessness.

#### **No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*The Executive Committee,*

*Remaining* deeply concerned with the persistence of statelessness problems in various regions of the world and the emergence of new situations of statelessness,



*Recognizing* the right of States to establish laws governing the acquisition, renunciation or loss of nationality and noting that the issue of statelessness is already under consideration by the United Nations General Assembly within the broad issue of State succession,<sup>[1]</sup>

<sup>[1]</sup> Resolution 55/153 of 2000, Nationality of natural persons in relation to the succession of States.

*Expressing* concern at the serious and precarious conditions faced by many stateless persons, which can include the absence of a legal identity and non-enjoyment of civil, political, economic, social and cultural rights as a result of non-access to education; limited freedom of movement; situations of prolonged detention; inability to seek employment; non-access to property ownership; non-access to basic health care,

*Noting* that despite some progress, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness have only been ratified or acceded to by a limited number of States, sixty and thirty-two States respectively,

*Recalling* the right of every person to a nationality and the right not to be arbitrarily deprived of one's nationality as enunciated by the Universal Declaration of Human Rights and referenced in human rights instruments such as the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the Convention on the Rights of the Child,

*Recalling* that all human beings are born free and equal in dignity and they are entitled to the rights and freedoms enshrined in the Universal Declaration of Human Rights, without distinction of any kind,

*Reaffirming* the responsibilities given to the High Commissioner by the United Nations General Assembly to contribute to the prevention and reduction of statelessness and to further the protection of stateless persons,

*Recalling* its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons as well as Conclusions Nos. 90 (LII), 95 (LIV), 96 (LIV), and Conclusions Nos. 99 (LV) and 102 (LVI) with regard to solving protracted statelessness situations,

(a) *Urges* UNHCR, in cooperation with governments, other United Nations and international as well as relevant regional and non-governmental organizations, to strengthen its efforts in this domain by pursuing targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons;

#### Identification of Statelessness

(b) *Calls on* UNHCR to continue to work with interested Governments to engage in or to renew efforts to identify stateless populations and populations with undetermined nationality residing in their territory, in cooperation with other United Nations agencies, in particular UNICEF and UNFPA as well as DPA, OHCHR and UNDP within the framework of national programmes, which may include, as appropriate, processes linked to birth registration and updating of population data;

(c) *Encourages* UNHCR to undertake and share research, particularly in the regions where little research is done on statelessness, with relevant academic institutions or experts, and governments, so as to promote increased understanding of the nature and scope of the problem of statelessness, to identify stateless populations and to understand reasons which led to statelessness, all of which would serve as a basis for crafting strategies to addressing the problem;

- (d) *Encourages* those States which are in possession of statistics on stateless persons or individuals with undetermined nationality to share those statistics with UNHCR and calls on UNHCR to establish a more formal, systematic methodology for information gathering, updating, and sharing;
- (e) *Encourages* UNHCR to include in its biennial reports on activities related to stateless persons to the Executive Committee, statistics provided by States and research undertaken by academic institutions and experts, civil society and its own staff in the field on the magnitude of statelessness;
- (f) *Encourages* UNHCR to continue to provide technical advice and operational support to States, and to promote an understanding of the problem of statelessness, also serving to facilitate the dialogue between interested States at the global and regional levels;
- (g) *Takes note* of the cooperation established with the Inter-Parliamentary Union (IPU) in the field of nationality and statelessness, and notes further the 2005 Nationality and Statelessness Handbook for Parliamentarians which is being used in national and regional parliaments to raise awareness and build capacity among State administrations and civil society;

#### Prevention of Statelessness

- (h) *Calls on* States to facilitate birth registration and issuance of birth or other appropriate certificates as a means to providing an identity to children and where necessary and when relevant, to do so with the assistance of UNHCR, UNICEF, and UNFPA;
- (i) *Encourages* States to consider examining their nationality laws and other relevant legislation with a view to adopting and implementing safeguards, consistent with fundamental principles of international law, to prevent the occurrence of statelessness which results from arbitrary denial or deprivation of nationality; and requests UNHCR to continue to provide technical advice in this regard;
- (j) *Notes* that statelessness may arise as a result of restrictions applied to parents in passing on nationality to their children; denial of a woman's ability to pass on nationality; renunciation without having secured another nationality; automatic loss of citizenship from prolonged residence abroad; deprivation of nationality owing to failure to perform military or alternative civil service; loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage; and deprivation of nationality resulting from discriminatory practices; and requests UNHCR to continue to provide technical advice in this regard;
- (k) *Stresses* that in the event of State succession, the concerned States put in place appropriate measures to prevent statelessness situations from arising as a result and take action to address such situations;
- (l) *Encourages* States to seek appropriate solutions for persons who have no genuine travel or other identity documents, including migrants and those who have been smuggled or trafficked, and where necessary and as appropriate, for the relevant States to cooperate with each other in verifying their nationality status, while fully respecting the international human rights of these individuals as well as relevant national laws;
- (m) *Calls upon* States Parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime, to respect their obligation to assist in verifying the nationality of the persons referred to them who have been smuggled or trafficked with a view to issuing travel and identity documents and facilitating the return of such persons; and, encourages other States to provide similar assistance;

Reduction of Statelessness

- (n) *Encourages* States to give consideration to acceding to the 1961 Convention on the Reduction of Statelessness and, in regard to States Parties, to consider lifting reservations;
- (o) *Encourages* UNHCR to reinforce its cooperation with other relevant United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations;
- (p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;
- (q) *Encourages* States to safeguard the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, bearing in mind Article 7 of the Convention on the Rights of the Child (CRC), and further encourages UNHCR to cooperate with UNICEF and UNFPA to provide technical and operational support to this end;
- (r) *Encourages* States to actively disseminate information regarding access to citizenship, including naturalization procedures, through the organization of citizenship information campaigns with the support of UNHCR, as appropriate;

Protection of Stateless Persons

- (s) *Encourages* States to give consideration to acceding to the 1954 Convention relating to the Status of Stateless Persons and, in regard to States Parties, to consider lifting reservations;
- (t) *Requests* UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons;
- (u) *Encourages* States which are not yet Parties to the 1954 Convention relating to the Status of Stateless Persons to treat stateless persons lawfully residing on their territory in accordance with international human rights law; and to consider, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation;
- (v) *Encourages* UNHCR to implement programmes, at the request of concerned States, which contribute to protecting and assisting stateless persons, in particular by assisting stateless persons to access legal remedies to redress their stateless situation and in this context, to work with NGOs in providing legal counselling and other assistance as appropriate;
- (w) *Calls on* States not to detain stateless persons on the sole basis of their being stateless and to treat them in accordance with international human rights law and also calls on States Parties to the 1954 Convention relating to the Status of Stateless Persons to fully implement its provisions;
- (x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.

## General

*The Executive Committee,*

### **No. 18 (XXXI) – 1980**

(i) *Called upon* the governments concerned to provide repatriating refugees with the necessary travel documents, visas, entry permits and transportation facilities and, if refugees have lost their nationality, to arrange for such nationality to be restored in accordance with national legislation;

### **No. 47 (XXXVIII) – 1987**

(g) *Expressed* its concern over the increasing number of cases of statelessness among refugee children;

### **No. 50 (XXXIX) – 1988**

(l) *Noted* the close connection between the problems of refugees and of stateless persons and invited States actively to explore and promote measures favourable to stateless persons, including accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the adoption of legislation to protect the basic rights of stateless persons and to eliminate sources of statelessness;

### **No. 65 (XLII) – 1991**

(r) *Reaffirms* Conclusion No. 50 (1) (XXXIX), reiterates its call to States actively to explore and promote measures favourable to stateless persons, including accession to the international instruments pertaining to stateless persons, and in this connection believes it would be useful for United Nations human rights bodies to address statelessness issues, including the problem of arbitrary deprivation of nationality and the content of the right to a nationality;

### **No. 68 (XLIII) – 1992**

(y) *Reiterates* its call to States and relevant international agencies actively to explore and promote measures favourable to stateless persons and, recognizing the absence of an international body with a general mandate for these persons, calls upon the High Commissioner to continue her efforts generally on behalf of stateless individuals and to work actively to promote adherence to and implementation of the international instruments relating to statelessness.

### **No. 74 (XLV) – 1994**

(ee) *Notes* with concern the persistent problems of stateless persons in various regions and the emergence of new situations of statelessness, and, acknowledging the responsibilities already entrusted to the High Commissioner by the United Nations General Assembly with respect to the prevention of statelessness (General Assembly resolution 3274 (XXIX)), calls upon UNHCR to strengthen its efforts in this domain, including promoting accessions to the Convention relating to the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, training for UNHCR staff and government officials, and a systematic gathering of information on the dimension of the problem, and to keep the Executive Committee informed of these activities;

### **No. 79 (XLVII) – 1996**

(g) *Recalls* also the importance of addressing the problem of statelessness, including through accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, welcomes the accession of Brazil and Guatemala to

the 1954 Convention and of Azerbaijan to both statelessness conventions, and calls upon other States to consider accession to these instruments;

**No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

- (i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

**No. 81 (XLVIII) – 1997**

(o) *Welcomes* the growing number of accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and encourages UNHCR to continue its efforts, in cooperation with interested organizations, to promote further accessions to both instruments, as well as to provide technical and advisory services and training globally, to disseminate information on statelessness and nationality issues, and to further its cooperation with States and other organizations interested in this area;

**No. 85 (XLIX) – 1998**

(m) *Reaffirms* the importance of the right to a nationality and calls on States to adopt all necessary measures to prevent or reduce the incidence of statelessness, including through national legislation and, as appropriate, accession to and implementation of the Statelessness Conventions; draws particular and urgent attention in this regard to the situation of children of refugees and asylum-seekers born in asylum countries who could be stateless unless appropriate legislation and registration procedures are in place and are followed;

**No. 87 (L) – 1999**

(s) *Notes* with concern the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the accession of St Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

**No. 90 (LII) – 2001**

(o) *Notes* the global dimension of statelessness, *welcomes* UNHCR's efforts within its mandate to broaden its activities both geographically and substantively, and *encourages* States to cooperate with UNHCR in identifying measures to reduce statelessness and in devising appropriate solutions for stateless persons who are refugees, as well as for stateless persons who are not;

(p) *Reiterates* its call for States to consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and *encourages* UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

(q) *Encourages* UNHCR to continue to make available its technical and advisory services to avoid and reduce cases of statelessness and, in this regard, to strengthen partnerships with regional and other international organizations working in this area;

(r) *Takes note* with particular concern that problems of statelessness can impact disproportionately on women and children, due to the particular operation of nationality and birth registration laws; *underlines* the importance, notably for women, of identity documentation and proper registration of births and marriages; and *calls upon* States to adopt all necessary measures in this regard;

(s) Strongly condemning the trafficking of persons, especially women and children, which represents a grave violation of their human rights; expressing concern that many victims of trafficking are rendered effectively stateless due to an inability to establish their identity and nationality status; *calls upon* States to cooperate in the establishment of identity and nationality status of victims of trafficking so as to facilitate appropriate resolutions of their situations, respecting the internationally recognized human rights of the victims.

#### **No. 95 (LIV) – 2003**

(t) *Recalls* its Conclusion No 78 (XLVI) on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons and *notes* the global dimension of the problem of statelessness;

(u) *Notes* UNHCR's work on the survey on statelessness undertaken pursuant to the Agenda for Protection and *looks forward* to reviewing the recommendations resulting from this survey which will be made available to States in the hope that follow-up measures aimed at reducing statelessness and protecting stateless persons will be taken;

(v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;

(w) *Encourages* UNHCR's efforts to promote all State activities that reduce or resolve statelessness and to promote further accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as effective tools for the prevention of statelessness, which may lead to the reduction of refugee flows and the implementation of durable solutions, and *reiterates* its encouragement for States to consider accession to these instruments, where appropriate;

(x) *Encourages* UNHCR to provide to the Standing Committee an outline of nationality issues impacting women and children that increase their vulnerability to statelessness, such as problems faced in the registration of births, marriages and nationality status;

(y) *Calls on* UNHCR to continue to provide technical and advisory services concerning statelessness to all interested States and partners.

#### **No. 96 (LIV) – 2003**

(h) *Refers to* its Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons, and *urges* States to take steps to avoid cases of statelessness as well as to adopt measures leading to the grant of a legal status to stateless persons;

(j) *Recommends*, depending on the situation, that UNHCR complement the efforts of States in the return of persons found not to be in need of international protection by:

(i) Promoting with States those principles which bear on their responsibility to accept back their nationals, as well as principles on the reduction of statelessness;

(iii) Continuing its dialogue with States to review their citizenship legislation, particularly if it allows renunciation of nationality without at the same time ensuring that the person in question has acquired another nationality and could be used to stop or delay the return of a person to a country of nationality;

**No. 99 (LV) – 2004**

(z) *Welcomes* the accession of Uruguay and the Czech Republic to the 1954 Convention relating to the Status of Stateless Persons and of Liberia and Lesotho to the 1961 Convention on the Reduction of Statelessness; and *encourages* UNHCR, on the occasion of the 50th anniversary of the 1954 Convention, to renew its efforts to promote further accession to both Conventions;

(aa) *Welcomes* the publication in March 2004 of the final report of UNHCR's global survey on statelessness as an important step towards establishing a common understanding of a problem affecting all regions of the world; and *calls on* UNHCR to continue to provide technical and operational support to States with the aim of avoiding and resolving statelessness and furthering the protection of stateless persons, in particular in view of the limited number of States Parties to the 1961 Convention on the Reduction of Statelessness;

(bb) *Notes* with concern that many situations of statelessness are of a protracted nature and *invites* UNHCR to pay particular attention to them and to explore with concerned States measures that would ameliorate those situations and bring them to an end.

**No. 101 (LV) – 2004**

(k) *Notes* the importance of ensuring nationality; and *urges* countries of origin to ensure that there is no exclusion of returning refugees from nationality and that statelessness is thus avoided; and *recalls* in this context Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and the protection of stateless persons;

(m) *Calls on* countries of origin and countries of habitual residence to accept back refugees who are non-nationals but have been habitually resident in that country, including those who were previously stateless there;

**No. 102 (LVI) – 2005**

(y) *Welcomes* the accession of Senegal to the 1961 Convention on the Reduction of Statelessness; *acknowledges* UNHCR's role, where applicable, in providing technical and operational support and advisory services to States with the aim of addressing the problem of statelessness and in furthering the protection of stateless persons, where necessary; and *calls on* States, in cooperation with UNHCR and other relevant actors to address the needs of persons in protracted situations of statelessness and to assist stateless persons to access legal remedies to redress statelessness, in particular that which results from arbitrary deprivation of nationality.

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

*Recalling* that international and regional instruments to address the problem of statelessness, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, where applicable, are important tools for State Parties to use, in particular to avoid and resolve situations of statelessness and, where necessary, to further the protection of stateless persons,

(e) *Calls on* the State Parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to apply these instruments in good faith,

bearing in mind their protection objectives; and *requests* UNHCR actively to promote accession to these instruments;

**No. 104 (LVI) – 2005 – Local Integration**

(i) *Notes* that characteristics which may assist in determining circumstances in which local integration can be an appropriate durable solution could include, subject to States' consideration:

- i. refugees born in asylum countries who might otherwise become stateless; and/or

**No. 107 (LVIII) – 2007 – Children at Risk**

*Recalling* its Conclusions Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII), specifically on refugee children and/or adolescents, Conclusion No. 105 (LVII) on Women and Girls at Risk, Conclusion No. 106 (LVII) on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, Conclusion No. 94 (LIII) on the Civilian and Humanitarian Character of Asylum, Conclusion No. 98 (LIV) on Protection from Sexual Abuse and Exploitation, Conclusion No. 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations as well as all provisions of relevance to the protection of refugee children set out in other Conclusions, many of which are relevant for other children of concern to UNHCR,

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

*Noting* that this Conclusion applies to children, as defined under Article 1 of the CRC, who are asylum-seekers, refugees, are internally displaced or returnees assisted and protected by UNHCR, or are stateless, particularly addressing the situation of those at heightened risk,<sup>[1]</sup>

<sup>[1]</sup> Hereinafter referred to as “children” or “a child”

Identification of children at risk

(c) *Calls on* States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

- i. Wider environmental risk factors including, but not limited to: an insecure environment; lack of access to child-sensitive asylum procedures; situations of displacement, particularly protracted situations; statelessness; lack of sustainable solutions; poverty and families' lack of self-reliance opportunities; inadequate access to and use of services such as education and health care; disruption of family and community support structures; prevalence of traditional practices that are harmful to children; discrimination, intolerance, xenophobia, and gender inequality; and lack of documentation of the parent-child relationship through birth registrations and issuance of birth certificates; and
- ii. Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and



their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

#### Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

viii. Encourage the inclusion of all children in education programmes and strengthen children's capacities, including by enabling their equal access to quality education for girls and boys in all stages of the displacement cycle and in situations of statelessness; promote learning and school environments that are safe, do not perpetuate violence, and promote a culture of peace and dialogue; designate child-friendly spaces in camp and urban environments; and promote access to post-primary education wherever possible and appropriate, life-skills and vocational trainings for adolescents and support recreational activities, sports, play and cultural activities;

xix. Safeguard the right of every child to acquire a nationality, and ensure the implementation of this right in accordance with national laws and obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless; and consider the active dissemination of information regarding access to naturalization procedures.

#### **No. 108 (LIX) – 2008**

*The Executive Committee,*

*Reiterating*, in the 60th anniversary year of the Universal Declaration of Human Rights, the enduring importance of freedom of movement and residence within the borders of each State, of the right to seek and enjoy asylum in other countries from persecution and of the right to a nationality, enshrined in Articles 13, 14 and 15 of the Declaration; and *recognizing* the importance of the rights in the Declaration to all persons of concern to UNHCR,

#### Statelessness

(v) *Welcomes* the accessions of Austria, Belize, Montenegro, Romania and Rwanda to the 1954 Convention relating to the Status of Stateless Persons, and of Brazil, Finland, New Zealand, Romania and Rwanda to the 1961 Convention on the Reduction of Statelessness; and *encourages* all States that have not done so to give consideration to acceding to those instruments;

(w) *Welcomes* UNHCR's intensified efforts to identify and to protect stateless persons; *encourages* States to prevent and reduce statelessness by adopting and implementing safeguards in nationality laws and policies, consistent with fundamental principles of international law, and by facilitating birth registration as a means of providing an identity; *stresses* safeguarding the right of every child to acquire a nationality, particularly where the child might otherwise be stateless, and considering, as appropriate, facilitating the naturalization of habitually and lawfully residing stateless persons in accordance with national legislation; and *requests* UNHCR to continue to provide technical advice and operational support to States;

## Promotion of Law on Statelessness

*The Executive Committee,*

### No. 78 (XLVI) – 1995

(d) *Further requests* UNHCR actively to promote the prevention and reduction of statelessness through the dissemination of information, and the training of staff and government officials; and to enhance cooperation with other interested organizations;

### No. 79 (XLVII) – 1996

(n) *Notes* with satisfaction UNHCR's activities with regard to the promotion and dissemination of refugee law and protection principles and calls upon the High Commissioner to continue to expand and strengthen the promotion and training activities of the Office, including in the area of prevention and reduction of statelessness and related nationality issues, with the active support of States and through increased cooperation with other international organizations, non-governmental organizations, academic institutions and other relevant organizations;

### No. 90 (LII) – 2001

(p) *Reiterates* its call for States to consider accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and *encourages* UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;

### No. 95 (LIV) – 2003

(t) *Recalls* its Conclusion No. 78 (XLVI) on the Prevention and Reduction of Statelessness and the Protection of Stateless Persons and *notes* the global dimension of the problem of statelessness;

(u) *Notes* UNHCR's work on the survey on statelessness undertaken pursuant to the Agenda for Protection and *looks forward* to reviewing the recommendations resulting from this survey which will be made available to States in the hope that follow-up measures aimed at reducing statelessness and protecting stateless persons will be taken;

(v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;

(w) *Encourages* UNHCR's efforts to promote all State activities that reduce or resolve statelessness and to promote further accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as effective tools for the prevention of statelessness, which may lead to the reduction of refugee flows and the implementation of durable solutions, and *reiterates* its encouragement for States to consider accession to these instruments, where appropriate;

(x) *Encourages* UNHCR to provide to the Standing Committee an outline of nationality issues impacting women and children that increase their vulnerability to statelessness, such as problems faced in the registration of births, marriages and nationality status;

(y) *Calls on* UNHCR to continue to provide technical and advisory services concerning statelessness to all interested States and partners.

**No. 102 (LVI) – 2005**

(y) *Welcomes* the accession of Senegal to the 1961 Convention on the Reduction of Statelessness; *acknowledges* UNHCR's role, where applicable, in providing technical and operational support and advisory services to States with the aim of addressing the problem of statelessness and in furthering the protection of stateless persons, where necessary; and *calls on* States, in cooperation with UNHCR and other relevant actors to address the needs of persons in protracted situations of statelessness and to assist stateless persons to access legal remedies to redress statelessness, in particular that which results from arbitrary deprivation of nationality.

**Protracted Situations of Statelessness****No. 99 (LV) – 2004**

(bb) *Notes* with concern that many situations of statelessness are of a protracted nature and *invites* UNHCR to pay particular attention to them and to explore with concerned States measures that would ameliorate those situations and bring them to an end.

**No. 102 (LVI) – 2005**

(y) *Welcomes* the accession of Senegal to the 1961 Convention on the Reduction of Statelessness; *acknowledges* UNHCR's role, where applicable, in providing technical and operational support and advisory services to States with the aim of addressing the problem of statelessness and in furthering the protection of stateless persons, where necessary; and *calls on* States, in cooperation with UNHCR and other relevant actors to address the needs of persons in protracted situations of statelessness and to assist stateless persons to access legal remedies to redress statelessness, in particular that which results from arbitrary deprivation of nationality.

**No. 106 (LVII) – 2006 – Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons**

*Recalling* its Conclusion No 78 (XLVI) on the prevention and reduction of statelessness and protection of stateless persons as well as Conclusions 90 (LII), 95 (LIV), 96 (LIV), and Conclusions 99 (LV) and 102 (LVI) with regard to solving protracted statelessness situations,

(o) *Encourages* UNHCR to reinforce its cooperation with other relevant United Nations agencies to assist States to reduce statelessness, particularly in protracted statelessness situations;

(p) *Encourages* States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies;

**No. 107 (LVIII) – 2007 – Children at Risk**

*Affirming* that children, because of their age, social status and physical and mental development are often more vulnerable than adults in situations of forced displacement; *recognizing* that forced displacement, return to post-conflict situations, integration in new societies, protracted situations of displacement, and statelessness can increase the vulnerability of children generally; *taking into account* the particular vulnerability of refugee children to being forcibly exposed to the risks of physical and psychological injury, exploitation and death in connection with armed conflict; and *acknowledging* that wider environmental factors and individual risk factors, particularly when combined, can put children in situations of heightened risk,

## STATUTE OF THE OFFICE OF UNHCR / MANDATE

*The Executive Committee,*

### **No. 4 (XXVIII) – 1977**

(d) *Reaffirmed* the fundamental importance of the Statute of the Office of the United Nations High Commissioner for Refugees as a basis for the international protection function of the High Commissioner, particularly in respect of States which had not yet acceded to the 1951 Convention or the 1967 Protocol or whose obligations under these instruments were restricted by the geographical limitation.

### **No. 5 (XXVIII) – 1977**

(e) *Called* on Governments to co-operate, in a spirit of international solidarity, with the High Commissioner in the performance of his functions-especially with respect to asylum-in accordance with General Assembly Resolution 428(V) of 14 December 1950.

### **No. 21 (XXXII) – 1981**

(a) *Reiterated* the fundamental importance of international protection as the primary task entrusted to the High Commissioner under the Statute of his Office and noted with satisfaction the progress achieved in this field since the Committee's thirty-first session;

### **No. 25 (XXXIII) – 1982**

(a) *Reiterated* the fundamental importance of international protection as a primary task entrusted to the High Commissioner under the Statute of his Office;

### **No. 69 (XLIII) – 1992**

*Noting* that any declaration by the High Commissioner that the competence accorded to her by the Statute of her Office with regard to certain refugees shall cease to apply, may be useful to States in connection with the application of the cessation clauses as well as the 1951 Convention,

### **No. 74 (XLV) – 1994**

(c) *Reaffirms* the importance of the 1951 Convention and 1967 Protocol relating to the Status of Refugees as the cornerstone of the international system for the protection of refugees, and underlines the role of the High Commissioner, pursuant to Articles 35 and II of these instruments, respectively, and to the Statute of her Office, in supervising their application;

### **No. 90 (LII) – 2001**

(c) *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, *inter alia*, to promote and facilitate the admission, reception and humane treatment of refugees and to ensure protection-oriented solutions, in accordance with international law and international standards;

**No. 96 (LIV) – 2003**

(k) *Takes note of* UNHCR's readiness, on a good offices basis, to support States, upon their request, in their endeavours to return persons found not to be in need of international protection, in particular where obstacles to return are encountered and provided that the involvement of the Office is not inconsistent with its humanitarian mandate to provide international protection to refugees;

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(h) *Notes* further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an *ex officio* basis, to examine options appropriate to the particular circumstances of the situation;

**No. 102 (LVI) – 2005**

(g) *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of humanitarian personnel and an obstacle to the effective fulfilment of UNHCR's mandate, and the ability of UNHCR's implementing partners and other humanitarian personnel to discharge their respective humanitarian functions; and calls on States and concerned parties to take all possible measures to ensure the safety and security of UNHCR personnel and property and that of all humanitarian organizations discharging UNHCR mandated functions;

(x) *Notes with interest* the results of the Humanitarian Response Review and *welcomes* the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; *takes note* also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; *encourages* UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons' protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; *looks forward* to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications;

**No. 103 (LVI) – 2005**

(p) *Notes* that States may choose to consult with UNHCR, if appropriate, in view of its particular expertise and mandate, when they are considering granting or ending a form of complementary protection to persons who fall within the competence of the Office;

**No. 104 (LVI) – 2005**

*Recalling* that the ultimate goal of international protection is to achieve durable solutions for refugees; and *noting* that a solutions orientation is inherent in General Assembly Resolution 428 (V) of 14 December 1950 adopting the Statute of the Office of the United Nations High Commissioner for Refugees, in the Statute itself, and in the 1951 Convention through its provisions on cessation, integration and naturalization,

## TEMPORARY PROTECTION

*The Executive Committee,*

### **No. 5 (XXVIII) – 1977**

(b) *Concerned*, however, that according to the report of the High Commissioner cases continue to occur in which asylum-seekers have encountered serious difficulties in finding a country willing to grant them even temporary refuge and that refusal of permanent or temporary asylum has led in a number of cases to serious consequences for the persons concerned;

(d) *Appealed* to Governments to follow, or continue to follow, liberal practices in granting permanent or at least temporary asylum to refugees who have come directly to their territory;

### **No. 11 (XXIX) – 1978**

(d) *Recalled* the Conclusions adopted at the twenty-eighth session regarding asylum and expressed concern that refugees still encountered difficulties in obtaining permanent or even temporary asylum in certain areas;

### **No. 14 (XXX) – 1979**

(c) *Noted* with concern that refugees had been rejected at the frontier or had been returned to territories where they had reasons to fear persecution in disregard of the principle of *non-refoulement* and that refugees arriving by sea had been refused even temporary asylum with resulting danger to their lives and had in many cases perished on the high seas;

### **No. 15 (XXX) – 1979**

*Considered* that States should be guided by the following considerations:

#### General Principles

(c) It is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum;

(e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and minor or dependent children of any person to whom temporary refuge or durable asylum has been granted;

#### Situations Involving a Large-Scale Influx of Asylum-Seekers

(f) In cases of large-scale influx, persons seeking asylum should always receive at least temporary refuge. States which because of their geographical situation, or otherwise, are faced with a large-scale influx should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing. Such States should consult with the Office of the United Nations High Commissioner for Refugees as soon as possible to ensure that the persons involved are fully protected, are given emergency assistance, and that durable solutions are sought;

**No. 19 (XXXI) – 1980 – Temporary Refuge**

(a) *Reaffirmed* the essential need for the humanitarian legal principle of *non-refoulement* to be scrupulously observed in all situations of large-scale influx;

(b) *Recalled* the conclusions on the question of temporary refuge adopted by the Executive Committee at its thirtieth session and, in particular:

(i) that in the case of large-scale influx, persons seeking asylum should always receive at least temporary refuge; and

(ii) that States which, because of their geographical situation or otherwise, are faced with a large-scale influx, should as necessary and at the request of the State concerned receive immediate assistance from other States in accordance with the principle of equitable burden-sharing;

(c) *Took note* of the extensive practice of granting temporary refuge in situations involving a large-scale influx of refugees;

(d) *Stressed* the fundamental importance of the provisions of the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol, and of the 1967 United Nations Declaration on Territorial Asylum and the need for constant advice by UNHCR on the practical application of these provisions by countries exposed to a large-scale influx of refugees;

(e) *Stressed* the exceptional character of temporary refuge and the essential need for persons to whom temporary refuge has been granted to enjoy basic humanitarian standards of treatment;

(f) *Recognized* the need to define the nature, function and implications of the grant of temporary refuge;

(g) *Considered* that the practice of temporary refuge had not been sufficiently examined and should be further studied, particularly in regard to (i) procedures for the admission of refugees, (ii) their status pending a durable solution, (iii) the implications of temporary refuge for international solidarity, including burden sharing;

(h) *Decided* to request the High Commissioner to convene as soon as possible a representative group of experts to examine temporary refuge in all its aspects within the framework of the problems raised by large-scale influx and to provide the group with all possible assistance.

**No. 21 (XXXII) – 1981**

(i) *Noted* with renewed appreciation the work of the Sub-Committee of the Whole on International Protection which has greatly facilitated the High Commissioner's efforts to extend international protection to refugees and has contributed to a clearer formulation of the standards for their treatment, and noted with particular satisfaction the work of the Sub-Committee with regard to the question of temporary refuge in situations of large-scale influx;

**No. 22 (XXXII) – 1981**

Noting with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

## II. Measures of protection

### A. Admission and non-refoulement

1. In situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them at least on a temporary basis and provide them with protection according to the principles set out below. They should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.

#### **No. 23 (XXXII) – 1981**

*Adopted* the following conclusions on problems related to the rescue of asylum seekers in distress at sea.

(3) In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.

#### **No. 68 (XLIII) – 1992**

(u) *Acknowledges* that the realization of solutions in a growing number of mass outflow situations is much facilitated where these are made an integral part of a comprehensive plan of action, which balances the interests of affected States and the rights and needs of individuals and, accordingly, encourages UNHCR to work together with States and other interested organizations to explore new solutions-oriented approaches, which might include temporary protection and necessary arrangements for burden-sharing, when a situation so requires;

#### **No. 71 (XLIV) – 1993**

(m) *Supports* the further exploration by the High Commissioner and States of various asylum strategies, such as temporary protection, in relation to persons compelled to flee their countries in large numbers and who are in need of international protection, pending the identification of an appropriate solution, and reaffirms the importance of Executive Committee Conclusion No. 22 (XXXII) on Protection of Asylum-Seekers in Situations of Large-Scale Influx;

#### **No. 74 (XLV) – 1994**

(r) *Considers* that temporary protection, which has been described by the High Commissioner in the context of the Comprehensive Response to the Humanitarian Crisis in the former Yugoslavia as including admission to safety, respect for basic human rights, protection against *refoulement*, and safe return when conditions permit to the country of origin, can be of value as a pragmatic and flexible method of affording international protection of a temporary nature in situations of conflict or persecution involving large scale outflows;

(s) *Welcomes* the further exploration by the High Commissioner, pursuant to Protection Conclusion (m) (1993), of temporary protection as an asylum strategy, in the context of addressing prevention, protection and solutions on a comprehensive regional basis, and looks forward to further discussions among interested Governments on this subject, including the duration of temporary protection;

(t) *Notes* that the beneficiaries of temporary protection may include both persons who qualify as refugees under the terms of the 1951 Convention and the 1967 Protocol and others who may not so



qualify, and that in providing temporary protection States and UNHCR should not diminish the protection afforded to refugees under those instruments;

(u) *Calls upon* UNHCR, in close cooperation with the Governments concerned, to continue to coordinate and to provide guidance concerning the implementation of temporary protection and other forms of asylum oriented towards repatriation, in situations where return home is considered the most appropriate durable solution, including advice on voluntary repatriation and on safe return once the need for international protection has ceased;

**No. 100 (LV) – 2004**

*Noting* that persons who arrive as part of a mass influx seeking international refugee protection should always receive it, at least on a temporary basis,

**No. 103 (LVI) – 2005 – Provision on International Protection Including Through Complementary Forms of Protection**

(l) *Notes* that temporary protection, without formally according refugee status, as a specific provisional protection response to situations of mass influx providing immediate emergency protection from *refoulement*, should be clearly distinguished from other forms of international protection;

## TORTURE

*The Executive Committee,*

### **No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

#### II. Measures of protection

##### B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(d) they should be treated as persons whose tragic plight requires special understanding and sympathy. They should not be subjected to cruel, inhuman or degrading treatment;

### **No. 79 (XLVII) – 1996**

(j) *Reaffirms* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees, in any manner whatsoever, to the frontiers of territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are grounds for believing that they would be in danger of being subjected to torture, as set forth in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

### **No. 80 (XLVII) – 1996**

(e) *Encourages* States, in coordination and cooperation with each other, and with international organizations, if applicable, to consider the adoption of protection-based comprehensive approaches to particular problems of displacement, and identifies, as the principal elements of such approaches:

(i) the protection of all human rights, including the right to life, liberty and the security of person, as well as to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to leave one's own country and to return; the principle of non-discrimination, including the protection of minorities; and the right to a nationality

### **No. 81 (XLVIII) – 1997**

(i) *Recognizes* the fundamental importance of the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have formally been granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

**No. 82 (XLVIII) – 1997**

(d) *Reiterates*, in light of these challenges, the need for full respect to be accorded to the institution of asylum in general, and considers it timely to draw attention to the following particular aspects:

(i) the principle of *non-refoulement*, which prohibits expulsion and return of refugees in any manner whatsoever to the frontiers of territories where their lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status, or of persons in respect of whom there are substantial grounds for believing that they would be in danger of being subjected to torture, as set forth in the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**No. 84 (XLVIII) – 1997**

(a) *Calls upon* States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(ii) the fundamental right of children and adolescents to life, liberty, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment;

**No. 85 (XLIX) – 1998**

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(ii) All intercepted persons should be treated, at all times, in a humane manner respectful of their human rights. State authorities and agents acting on behalf of the intercepting State should take, consistent with their obligations under international law, all appropriate steps in the implementation of interception measures to preserve and protect the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment of persons intercepted;

**No. 107 (LVIII) – 2007 – Children at Risk**Identification of children at risk

(c) Calls on States, UNHCR and other relevant agencies and partners to put in place modalities, as appropriate, for early and continuous identification of children at heightened risk. Risk factors that put children in a situation of heightened risk can include both risks in the wider protection environment and risks resulting from individual circumstances, taking into account the cumulative effects of being exposed to several risk factors, such as:

(ii) Individual risk factors, including, but not limited to: unaccompanied and separated children, particularly those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, in particular girl mothers and their children; child victims of trafficking and sexual abuse, including pornography, pedophilia and prostitution; survivors of torture; survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation; children who get married under the age specified in national laws and/or children in forced marriages; children who are or have been associated with armed forces or groups; children in detention; children who suffer from social discrimination; children with mental or physical disabilities; children living with or affected by HIV and AIDS and children suffering from other serious diseases; and children out of school;

## UNHCR STAFF AND OTHER HUMANITARIAN PERSONNEL

### Code of Conduct

*The Executive Committee,*

#### **No. 98 (LIV) – 2003**

Welcoming UNHCR's efforts to address the problem through the promulgation and implementation of a Code of Conduct for UNHCR staff, in accordance with the plan of action of the Inter-Agency Standing Committee's Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises; and the amendment of its programme implementation sub-agreements to include a requirement for implementing partners to have similar Codes of Conduct and for these to be implemented fully;

(a) *Calls upon* States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

(i) Ensuring explicit reference in codes of conduct and other relevant policies to the responsibilities of relevant personnel to prevent and respond appropriately to sexual and gender-based violence, including sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(i) Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;

(iv) Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;

#### **No. 102 (LVI) – 2005**

(u) *Strongly condemns* the unscrupulous actions of individuals or entities who misuse or abuse, in any manner whatsoever, assistance intended for refugees, for their own ends to exploit and abuse refugees and other persons of concern; and *calls on* States, UNHCR, relevant United Nations agencies and non-governmental organizations, to denounce and to take action to prevent abuse or exploitation which may deprive refugees and other persons of concern of adequate assistance and which may heighten the vulnerability in particular of refugee women and children;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Preventive strategies

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

#### **No. 107 (LVIII) – 2007 – Children at Risk**

##### Prevention, response and solutions

(g) *Recommends* that States, UNHCR and other relevant agencies and partners work in close collaboration to prevent children from being put at heightened risk, and respond, as necessary, through the general prevention, response and solution measures listed non-exhaustively below:

x. Establish and/or implement codes of conduct, including stipulating zero tolerance for child exploitation and abuse for all humanitarian staff, including those working in the delivery of services, and for other staff in authority such as border guards, and ensure that confidential and accessible complaints systems are in place which include child and gender-sensitive investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached;

#### **Needs of Refugee Women and Children / Need for Female Staff**

*The Executive Committee,*

#### **No. 54 (XXXIX) – 1988**

*Encouraged* the High Commissioner to develop training modules to be offered to UNHCR staff and implementing partners to increase their awareness of the specific needs of refugee women and practical means of addressing these needs;

#### **No. 60 (XL) – 1989**

(e) *Requested* the High Commissioner to provide at the Forty First Session of the Executive Committee, a policy framework and organizational workplan for the next stages in mainstreaming of refugee women's issues within the organization with particular attention to the need for female field workers to facilitate participation of refugee women. In addition, requested the High Commissioner to provide a detailed progress report on the implementation of his Office's policies and programmes for refugee women, on both protection and assistance activities. Requested particularly that the High Commissioner prepare a revised and expanded version of the internal guidelines relating to the international protection of refugee women;

(f) *Reaffirmed* the conclusions regarding refugee women of the Thirty-ninth Session of the Executive Committee, and stressed the ongoing need for active senior management support to coordinate, integrate and oversee the implementation of those conclusions. In this regard, fully encouraged the participation of senior managers in the forthcoming gender impact and analysis orientation seminar;

(g) *Noted* with satisfaction the recruitment of a Senior Coordinator for Refugee Women, the production of guidelines to field offices to identify the special needs and encourage participation of refugee women, and the publication of the revised bibliography on refugee women;

**No. 64 (XLI) – 1990**

(a) *Urges* States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(ii) Increase the representation of appropriately trained female staff across all levels of all organizations and entities which work in refugee programmes and ensure direct access of refugee women to such staff;

(iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;

(iv) Ensure that all refugees and the staff of relevant organizations and authorities are fully aware of, and support, the rights, needs and resources of refugee women and take appropriate specific actions;

(v) Integrate considerations specific to the protection of refugee women into assistance activities from their inception, including when planning refugee camps and settlements, in order to be able to deter, detect and redress instances of physical and sexual abuse as well as other protection concerns at the earliest possible moment;

**No. 65 (XLII) – 1991**

(g) *Reaffirms* Conclusion No. 59 (XL) on refugee children adopted at the fortieth session of the Executive Committee and reiterates the importance of providing adequate protection and assistance to ensure the safety and development of refugee children and, in this connection, welcomes the High Commissioner's decision to establish a new post of Coordinator on Refugee Children;

**No. 68 (XLIII) – 1992**

(l) *Reiterates* the importance accorded by the Committee to the protection and well-being of refugee children, in particular unaccompanied minors, and welcomes the appointment of a Senior Coordinator for Refugee Children as an important element in strengthening the implementation of the Guidelines on Refugee Children and in coordinating efforts on behalf of refugee children by States and other international and non-governmental organizations;

**No. 91 (LII) – 2001**

(v) Personnel conducting the registration, including, where necessary, refugees and asylum-seekers, should be adequately trained, should include a sufficient number of female staff and should have clear instructions on the procedures and requirements for registration, including the need for confidentiality of information collected; special measures should be taken to ensure the integrity of the registration process;

**No. 98 (LIV) – 2003**

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(iv) Promoting gender balance in staff at all levels, both at headquarters and in the field, as well as expert and specialist competence, while having regard to merit selection principles;

**No. 102 (LVI) – 2005**

(b) *Recalls* paragraph (o) of its Conclusion No. 99(LV); *notes* the need for UNHCR to continue efforts to strengthen its protection presence in the field, including in particular female protection staff; and *continues to call* upon States to extend their support in this regard through the timely and predictable provision of resources;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Preventive strategies

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;

**Provision of Necessary Staff / Competence of Staff**

*The Executive Committee,*

**No. 10 (XXVIII) – 1977 – Protection Staff**

*Noted* with satisfaction that the High Commissioner will continue to strengthen his protection staff and more particularly provide the UNHCR field offices with staff members specifically entrusted with protection functions and agreed that strengthening of the High Commissioner's protection staff, should-after due consideration of all relevant factors including such measures as may be recommended by the Administrative Management Service as a result of their recent survey-be financed from the programme reserve pending the next session of the Executive Committee.

**No. 11 (XXIX) – 1978**

(k) *Welcomed* the efforts made by the High Commissioner to make available additional staff members entrusted with protection duties both in UNHCR field offices and at UNHCR headquarters, and acknowledged with appreciation the support given to the High Commissioner in this respect by the Administrative Management Service;

**No. 71 (XLIV) – 1993**

(r) *Encourages* the High Commissioner, on the basis of her broad humanitarian experience and expertise, and the particular competence of UNHCR staff in the field, to continue to explore and to undertake protection and assistance activities aimed at preventing conditions that give rise to refugee outflows, bearing in mind fundamental protection principles, in close coordination with the Governments concerned and within an inter-agency, intergovernmental and non-governmental framework, as appropriate, and requests the High Commissioner to keep the Sub-Committee of the Whole on International Protection and the Sub-Committee on Administrative and Financial Matters informed of developments;

**No. 73 (XLIV) – 1993**

(h) *Reiterates* the importance of ensuring the presence of female field staff in refugee programmes, including emergency operations, and the direct access of refugee women to them;



**No. 95 (LIV) – 2003**

(c) *Notes* in this context that the delivery of international protection is a staff-intensive service at the core of UNHCR's mandate which requires the Agency to have adequate protection staff with the appropriate expertise;

**No. 98 (LIV) – 2003**

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(iii) Ensuring adequate levels of monitoring and supervision of programmes for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at field level to implement concrete programmes of action;

(v) Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;

**No. 99 (LV) – 2004**

(o) *Reaffirms* that protection must be addressed in a holistic manner by UNHCR; *recognizes* that the delivery of international protection is a resource-intensive function; *encourages* UNHCR to strengthen its protection presence in the field through the regular review of post locations, including the reallocation of posts, whenever and wherever necessary, particularly to ensure a presence close to refugee settings, the proactive deployment of staff in between assignment, the creation of additional posts where reallocation is not possible, continued efforts to ensure the timely filling of protection posts, and the active use of various short-term deployment schemes; and *calls upon* States to extend their support in this regard through the timely and predictable provision of adequate resources;

**No. 102 (LVI) – 2005**

(b) *Recalls* paragraph (o) of its Conclusion No. 99(LV); *notes* the need for UNHCR to continue efforts to strengthen its protection presence in the field, including in particular female protection staff; and *continues to call upon* States to extend their support in this regard through the timely and predictable provision of resources;

**Safety of Staff**

*The Executive Committee,*

**No. 65 (XLII) – 1991**

(t) *Notes* with concern the precarious security situation prevailing in some areas where refugees are located which has also put the staff of UNHCR at considerable risk and calls upon States to protect the security of international and local staff working in their countries on behalf of refugees;

**No. 83 (XLVIII) – 1997 – Conclusion on Safety of UNCHR Staff and Other Humanitarian Personnel**

*Stressing* the humanitarian, non-political nature of UNHCR's mandate,

*Emphasizing* that all States must respect and promote the principles and norms of international humanitarian law, including those relating to the safety and security of humanitarian personnel, and

taking note of the 1994 Convention on the Safety of United Nations and Associated Personnel, as well as Security Council Presidential Statement S/PRST/1997/34,

*Noting* that the local and international staff of UNHCR and its implementing partners, as well as other humanitarian personnel, are increasingly required to operate in conflict areas and under hazardous conditions entailing physical risk and mental stress,

*Commending* the High Commissioner's staff for the courageous and dedicated manner in which they discharge their responsibilities in conflict areas and under hazardous conditions, and paying tribute to those staff members and their families who have suffered serious mental stress or physical injury, or whose lives have been endangered or lost in the course of their duties,

(a) *Strongly condemns* any acts which obstruct or prevent the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, from discharging their humanitarian functions, or which entail their being subjected to threats, use of force, and physical attack frequently resulting in injury or death;

(b) *Calls upon* States and all concerned parties:

(i) to refrain from any actions which prevent or obstruct the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, from performing the functions required under their mandates;

(ii) to take all possible measures to safeguard the physical security and property of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel;

(iii) to facilitate the discharge of the mandated functions of UNHCR and its implementing partners, as well as of other humanitarian organizations;

(c) *Requests* States to take all necessary steps to investigate fully any crime committed against the staff of UNHCR and its implementing partners, as well as other humanitarian personnel, and to bring to justice persons responsible for such crimes;

(d) *Reaffirms* that it continues to be seriously concerned about the stress and safety situation of the staff of UNHCR and its implementing partners, as well as of other humanitarian personnel, and:

(i) encourages UNHCR to give its fullest attention to the examination and adoption of measures to improve staff safety and security, in cooperation, as necessary, with other relevant international organizations and bodies;

(ii) calls upon the High Commissioner to continue to bring this issue to the attention of the Advisory Committee on Coordination, with a view to drawing up, in consultation with the Office of the United Nations Security Coordinator, recommendations on measures to be taken to improve security for the staff of UNHCR and its implementing partners, as well as other of humanitarian personnel.

#### **No. 99 (LV) – 2004**

(j) *Strongly condemns* all attacks on humanitarian personnel, including local and international staff of UNHCR and its implementing partners; *deplores* the rising toll of casualties and mortalities among such personnel; and *urges* States to fully investigate such attacks and bring the perpetrators to justice in accordance with international law and national law;

(k) *Welcomes* the accession by a number of States to the 1994 Convention on the Safety of United Nations and Associated Personnel; *encourages* those States which have not acceded to this Convention to consider doing so; and *calls* in particular on States in whose territories humanitarian

operations are undertaken to safeguard the physical security of all humanitarian personnel and to provide a security environment that allows safe and unhindered access by UNHCR and other humanitarian personnel to persons in need of protection and assistance;

**No. 102 (LVI) – 2005**

(g) *Deplores* the continuing violence and insecurity which constitute an ongoing threat to the safety and security of humanitarian personnel and an obstacle to the effective fulfilment of UNHCR's mandate, and the ability of UNHCR's implementing partners and other humanitarian personnel to discharge their respective humanitarian functions; and calls on States and concerned parties to take all possible measures to ensure the safety and security of UNHCR personnel and property and that of all humanitarian organizations discharging UNHCR mandated functions;

## **Training**

*The Executive Committee,*

**No. 46 (XXXVIII) – 1987**

(m) *Called* for the strengthening of the Office's international protection function, both in Headquarters and in the field, in particular through increased co-ordination between the Division of Refugee Law and Doctrine and the Regional Bureaux, and through enhanced training for UNHCR staff in discharging the Office's protection function;

(o) *Reiterated* the importance of promoting a wider knowledge and understanding of refugee law and noted with satisfaction the efforts of the Office in this regard, in particular the training programmes instituted for UNHCR staff as well as government officials;

**No. 54 (XXXIX) – 1988**

*Encouraged* the High Commissioner to develop training modules to be offered to UNHCR staff and implementing partners to increase their awareness of the specific needs of refugee women and practical means of addressing these needs;

**No. 59 (XL) – 1989**

(j) *Encouraged* UNHCR to develop training materials to improve the capacity and effectiveness of field personnel in identifying and addressing the protection and assistance needs of refugee children;

**No. 60 (XL) – 1989**

(i) *Encouraged* the High Commissioner in his development of training materials and courses to increase awareness of the specific needs and potential of refugee women and his initiative to involve nongovernmental organizations in this training; called upon him to expand this area in the future with a view to improved programme and project planning and in particular to further develop components to address the special protection concerns of refugee women;

**No. 74 (XLV) – 1994**

(ee) *Notes* with concern the persistent problems of stateless persons in various regions and the emergence of new situations of statelessness, and, acknowledging the responsibilities already entrusted to the High Commissioner by the United Nations General Assembly with respect to the prevention of statelessness (General Assembly resolution 3274 (XXIX)), calls upon UNHCR to strengthen its efforts in this domain, including promoting accessions to the Convention relating to

the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, training for UNHCR staff and government officials, and a systematic gathering of information on the dimension of the problem, and to keep the Executive Committee informed of these activities;

**No. 79 (XLVII) – 1996**

(r) *Reaffirms* its conclusion 67 (XLII) on resettlement as an instrument of protection and as a durable solution, and welcomes the action taken recently by UNHCR, including the issuance of the Resettlement Handbook on criteria and procedures, and encourages training activities to support resettlement operations in the field;

**No. 84 (XLVIII) – 1997**

(b) *Urges* States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

**No. 91 (LII) – 2001**

(v) Personnel conducting the registration, including, where necessary, refugees and asylum-seekers, should be adequately trained, should include a sufficient number of female staff and should have clear instructions on the procedures and requirements for registration, including the need for confidentiality of information collected; special measures should be taken to ensure the integrity of the registration process;

**No. 98 (LIV) – 2003**

*Noting* the issuance in May 2003 of UNHCR's revised *Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations*, as well as the UNHCR *Guidelines on International Protection, Gender-Related Persecution*, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

**No. 102 (LVI) — 2005**

(n) *Notes* UNHCR's global priorities relating to refugee children; *calls on* States to support the efforts of UNHCR in ensuring that the needs of refugee children, particularly unaccompanied and separated children, are fully met through their identification and registration, and through UNHCR's overall protection and assistance activities, including management support, training and monitoring activities; and *reminds* UNHCR of Goal 2, Objective 2 of the Agenda for Protection regarding the convening of an experts meeting focusing on the protection needs of trafficked children;

**No. 106 (LVII) – 2006**

(x) *Requests* UNHCR to further improve the training of its own staff and those of other United Nations agencies on issues relating to statelessness to enable UNHCR to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

- xiii. Develop capacities and competencies on child protection issues through training of government officials, UNHCR staff and implementing and operational partners to enhance knowledge of the rights of children, the fundamentals of child protection and gender analysis;

## VOLUNTARY REPATRIATION

### Conclusions Specific to Voluntary Repatriation / General

*The Executive Committee,*

#### **No. 18 (XXXI) – 1980 – Voluntary Repatriation**

- (a) *Recognized* that voluntary repatriation constitutes generally, and in particular when a country accedes to independence, the most appropriate solution for refugee problems;
- (b) *Stressed* that the essentially voluntary character of repatriation should always be respected;
- (c) *Recognized* the desirability of appropriate arrangements to establish the voluntary character of repatriation, both as regards the repatriation of individual refugees and in the case of large-scale repatriation movements, and for UNHCR, whenever necessary, to be associated with such arrangements;
- (d) *Considered* that when refugees express the wish to repatriate, both the government of their country of origin and the government of their country of asylum should, within the framework of their national legislation and, whenever necessary, in co-operation with UNHCR take all requisite steps to assist them to do so;
- (e) *Recognized* the importance of refugees being provided with the necessary information regarding conditions in their country of origin in order to facilitate their decision to repatriate; recognized further that visits by individual refugees or refugee representatives to their country of origin to inform themselves of the situation there--without such visits automatically involving loss of refugee status--could also be of assistance in this regard;
- (f) *Called upon* governments of countries of origin to provide formal guarantees for the safety of returning refugees and stressed the importance of such guarantees being fully respected and of returning refugees not being penalized for having left their country of origin for reasons giving rise to refugee situations;
- (g) *Recommended* that arrangements be adopted in countries of asylum for ensuring that the terms of guarantees provided by countries of origin and relevant information regarding conditions prevailing there are duly communicated to refugees, that such arrangements could be facilitated by the authorities of countries of asylum and that UNHCR should as appropriate be associated with such arrangements;
- (h) *Considered* that UNHCR could appropriately be called upon--with the agreement of the parties concerned--to monitor the situation of returning refugees with particular regard to any guarantees provided by the governments of countries of origin;
- (i) *Called upon* the governments concerned to provide repatriating refugees with the necessary travel documents, visas, entry permits and transportation facilities and, if refugees have lost their nationality, to arrange for such nationality to be restored in accordance with national legislation;
- (j) *Recognized* that it may be necessary in certain situations to make appropriate arrangements in co-operation with UNHCR for the reception of returning refugees and/or to establish projects for their reintegration in their country of origin.

**No. 40 (XXXVI) – 1985 – Voluntary Repatriation**

*Reaffirming* the significance of its 1980 conclusion on voluntary repatriation as reflecting basic principles of international law and practice, adopted the following further conclusions on this matter:

- (a) The basic rights of persons to return voluntarily to the country of origin is reaffirmed and it is urged that international co-operation be aimed at achieving this solution and should be further developed;
- (b) The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected;
- (c) The aspect of causes is critical to the issue of solution and international efforts should also be directed to the removal of the causes of refugee movements. Further attention should be given to the causes and prevention of such movements, including the co-ordination of efforts currently being pursued by the international community and in particular within the United Nations. An essential condition for the prevention of refugee flows is sufficient political will by the States directly concerned to address the causes which are at the origin of refugee movements;
- (d) The responsibilities of States towards their nationals and the obligations of other States to promote voluntary repatriation must be upheld by the international community. International action in favour of voluntary repatriation, whether at the universal or regional level, should receive the full support and co-operation of all States directly concerned. Promotion of voluntary repatriation as a solution to refugee problems similarly requires the political will of States directly concerned to create conditions conducive to this solution. This is the primary responsibility of States;
- (e) The existing mandate of the High Commissioner is sufficient to allow him to promote voluntary repatriation by taking initiatives to this end, promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication. It is important that he establishes, whenever possible, contact with all the main parties and acquaints himself with their points of view. From the outset of a refugee situation, the High Commissioner should at all times keep the possibility of voluntary repatriation for all or for part of a group under active review and the High Commissioner, whenever he deems that the prevailing circumstances are appropriate, should actively pursue the promotion of this solution;
- (f) The humanitarian concerns of the High Commissioner should be recognized and respected by all parties and he should receive full support in his efforts to carry out his humanitarian mandate in providing international protection to refugees and in seeking a solution to refugee problems;
- (g) On all occasions the High Commissioner should be fully involved from the outset in assessing the feasibility and, thereafter, in both the planning and implementation stages of repatriation;
- (h) The importance of spontaneous return to the country of origin is recognized and it is considered that action to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees. Interested States should make all efforts, including the provision of assistance in the country of origin, to encourage this movement whenever it is deemed to be in the interests of the refugees concerned;
- (i) When, in the opinion of the High Commissioner, a serious problem exists in the promotion of voluntary repatriation of a particular refugee group, he may consider for that particular problem the establishment of an informal ad hoc consultative group which would be appointed by him in consultation with the Chairman and the other members of the Bureau of his Executive Committee. Such a group may, if necessary, include States which are not members of the Executive Committee

and should in principle include the countries directly concerned. The High Commissioner may also consider invoking the assistance of other competent United Nations organs;

(j) The practice of establishing tripartite commissions is well adapted to facilitate voluntary repatriation. The tripartite commission, which should consist of the countries of origin and of asylum and UNHCR, could concern itself with both the joint planning and the implementation of a repatriation programme. It is also an effective means of securing consultations between the main parties concerned on any problems that might subsequently arise;

(k) International action to promote voluntary repatriation requires consideration of the situation within the country of origin as well as within the receiving country. Assistance for the reintegration of returnees provided by the international community in the country of origin is recognized as an important factor in promoting repatriation. To this end, UNHCR and other United Nations agencies as appropriate, should have funds readily available to assist returnees in the various stages of their integration and rehabilitation in their country of origin;

(l) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that he is in a position to monitor fulfilment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in his mandate;

(m) Consideration should be given to the further elaboration of an instrument reflecting all existing principles and guidelines relating to voluntary repatriation for acceptance by the international community as a whole.

**No. 41 (XXXVII) – 1986**

(d) *Reiterated* the crucial importance of voluntary repatriation as a solution to present-day refugee problems and welcomed the continuing efforts of the High Commissioner to promote voluntary repatriation taking into account Conclusions Nos. 18 and 40 adopted by the Executive Committee at its thirty-first and thirty-sixth sessions respectively;

**No. 46 (XXXVIII) – 1987**

(l) *Reaffirmed* the importance of voluntary repatriation as the most desirable durable solution, particularly in the context of many of today's mass-influx situations, emphasized the need for States to respect the fundamental principles that must always guide action in this area and called upon the High Commissioner and States to continue their efforts in achieving this solution whenever appropriate;

**No. 55 (XL) – 1989**

(l) *Noted* with satisfaction that large numbers of refugees had found a durable solution to their problem by availing themselves of voluntary repatriation and recalled in this context the relevance of Conclusion No. 40 (XXXVI) on Voluntary Repatriation;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:



(iv) the fact that voluntary repatriation, local settlement or resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the preeminent solution;

**No. 68 (XLIII) – 1992**

(s) *Reaffirms* that voluntary repatriation of refugees is the preferred solution, where feasible, and endorses UNHCR's efforts to work actively to create, from the outset of a refugee problem, conditions conducive to voluntary return in safety and dignity. The success of this solution will depend on a number of factors, including assurances of safety on return, access arrangements and monitoring possibilities for UNHCR, the adequacy of reception arrangements and reintegration possibilities;

**No. 74 (XLV) – 1994**

(v) *Reiterates* that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, UNHCR and the international community as a whole to do everything possible to enable refugees to exercise freely their right to return home in safety and dignity;

**No. 79 (XLVII) – 1996**

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;

**No. 81 (XLVIII) – 1997**

(q) *Notes* that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees; affirms that voluntary repatriation of refugees is the most preferred solution, when feasible; and calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;

**No. 85 (XLIX) – 1998**

(gg) *Recalls* Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;

**No. 87 (L) – 1999**

(r) *Reaffirms* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

**No. 89 (LI) – 2000**

*Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum and assistance needs of refugees until durable solutions are found; and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, affirming that voluntary repatriation is the preferred solution, when feasible;

**No. 90 (LII) – 2001**

(j) *Emphasizes* that the ultimate goal of international protection is to achieve a durable solution for refugees and *commends* States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;

**No. 91 (LII) – 2001**

(a) *Acknowledges* the importance of registration as a tool of protection, including protection against *refoulement*, protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and as a means to enable the quantification and assessment of needs and to implement appropriate durable solutions;

**No. 99 (LV) – 2004**

(h) *Welcomes* the significant achievements in voluntary repatriation over the course of the past year<sup>[3]</sup> and the further potential for the sustainable voluntary return of considerable numbers of refugees, as a result of peacemaking, reconciliation and reconstruction efforts which have contributed to the resolution of certain long-running conflicts; *acknowledges* the importance of ensuring the ongoing voluntary nature of refugee returns and the full and equal participation of refugee women in the pursuit of voluntary repatriation and the consolidation of sustainable reintegration<sup>[4]</sup>; and *urges* States, UNHCR and other relevant actors to strengthen their efforts to provide durable solutions for refugees and other persons of concern;

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

<sup>[3]</sup> An illustrative list of major voluntary return operations is included in Section VII of the 2004 Note on International Protection, A/AC.96/989.

<sup>[4]</sup> In accordance with Security Council Resolution 1325 on Women, Peace and Security.

**No. 101 (LV) – 2004**

*The Executive Committee,*

*Recalling* its Conclusion No. 18 (XXXI) and Conclusion No. 40 (XXXVI) on voluntary repatriation, as well as Conclusion No. 74 (XLV) paragraphs (y), (z) and (aa),

*Recalling* its Conclusion No. 96 and noting that the present Conclusion does not apply to persons found not to be in need of international protection,

*Noting* the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

*Expressing* appreciation for the useful discussions on voluntary repatriation, which took place in the context of the third track of the Global Consultations on International Protection;<sup>[1]</sup> and *agreeing* with the importance of working towards improved conditions for voluntary repatriation and of strengthening cooperation to make such repatriation sustainable in line with Goal 5, Objectives 2 and 3 of the Agenda for Protection which resulted from those discussions,

*Reaffirming* that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; *reiterating* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and noting that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions,

*Reaffirming* the voluntary character of refugee repatriation, which involves the individual making a free and informed choice through, *inter alia*, the availability of complete, accurate and objective information on the situation in the country of origin; and stressing the need for voluntary repatriation to occur in and to conditions of safety and dignity,

*Recognizing* in the context of voluntary repatriation the importance of resolute efforts in the country of origin to create conditions that foster the voluntary and safe return of refugees and to ensure the restoration of national protection,

*Recognizing* the complexities of large-scale voluntary repatriation and the difficulties which the country of origin may face in seeking to follow the guidance provided in this Conclusion,

*Noting* the value of countries of origin addressing issues which are of a legal or administrative nature as a means of building confidence, facilitating decisions to return and ensuring sustainable reintegration,

*Emphasizing* that some legal or administrative issues may only be addressed over time; and *recognizing* that voluntary repatriation can and does take place without all of the legal and administrative issues addressed in this Conclusion having first been resolved,

*Recognizing* the usefulness of States, as countries of asylum or countries of origin, and UNHCR concluding, where appropriate, tripartite agreements to facilitate voluntary repatriation efforts, thereby setting out the core elements and modalities of voluntary repatriation, the respective roles and responsibilities of the relevant actors involved, and the obligations of States with respect to returning refugees, while also noting that, under certain circumstances, voluntary repatriation may take place without such agreements,

*Recognizing* also the importance of spontaneous voluntary repatriation of refugees and that actions to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees,

*Noting* the desirability of incorporating appropriate legal protections for returning refugees in peace agreements, whenever possible, as a measure to build confidence and in support of their promotion in practice,

*Acknowledging* the importance of promoting an age- and gender-sensitive approach in all aspects of refugee return processes; and, in this regard, encouraging UNHCR to develop appropriate standards and indicators that account for such factors in repatriation and reintegration programmes,

*Underlining* the need for strengthened cooperation among countries of origin, host countries, UNHCR and other international organizations and the international community, to ensure that voluntary repatriation will be sustainable,

*Noting* that reconciliation in post-conflict situations is a key challenge and that addressing this from the outset, where necessary through transitional justice mechanisms, and involving communities, may contribute to creating conditions conducive to voluntary repatriation and sustainable reintegration,

(a) *Invites* countries of origin, in cooperation with UNHCR, other States and other concerned actors, as necessary and appropriate, to address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, by taking into consideration, *inter alia*, the guidance included in the operative paragraphs that follow;

(b) *Reaffirms* that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; urges States to issue necessary travel documents, if required, to facilitate such return; calls upon transit countries to assist in the facilitation of return; and also notes that refugees may be required to be subject to brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;<sup>[2]</sup> and, in this context, notes the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

(d) *Emphasizing* that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;

(e) *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return; and recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin;

(f) *Strongly urges* countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

(g) *Recognizes* the utility of amnesties in encouraging voluntary repatriation and recommends that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further recognizes, however, that amnesties should not be extended to returning refugees charged with, *inter alia*, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;

(h) *Recognizes* that, in principle, all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; notes, therefore, the potential need for fair and effective restitution mechanisms, which also take into account the situation of secondary occupants of refugees' property; and also notes that where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin;

(i) *Stresses* the desirability of ensuring that any restitution and compensation framework takes account of the situation of returning refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance

laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time;

(j) *Encourages* countries of origin to provide homeless returning refugees, as appropriate, with access to land and/or adequate housing, comparable to local standards;

(k) *Notes* the importance of ensuring nationality; and urges countries of origin to ensure that there is no exclusion of returning refugees from nationality and that statelessness is thus avoided; and recalls in this context Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and the protection of stateless persons;

(l) *Notes* also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may face difficulties securing recognition of documentation issued by the authorities of the country of asylum;

(m) *Calls on* countries of origin and countries of habitual residence to accept back refugees who are non-nationals but have been habitually resident in that country, including those who were previously stateless there;

(n) *Stresses* the importance of family unity during and following voluntary repatriation; and calls upon States, where necessary, to assist spouses and family members of different nationalities to remain together as families;

(o) *Notes* the importance of skills of returning refugees for self-reliance and, in this context, calls upon countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and encourages countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and stresses in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

(q) *Reiterates* that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment in accordance with international standards, including as regards the fulfilment of amnesties, guarantees or assurances on the basis of which refugees have returned;

(r) *Encourages* the country of origin, host countries and UNHCR in cooperation with other relevant actors to provide refugees with complete, objective and accurate information, including on physical, material and legal safety issues, prior to their voluntary repatriation to and reintegration in the country of origin;

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal,

administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

<sup>[1]</sup> EC/GC/02/5 of 25 April 2002.

<sup>[2]</sup> See Article 12(3) of International Covenant on Civil and Political Rights.

#### **No. 102 (LVI) – 2005**

(r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

#### **No. 104 (LVI) – 2005 – Local Integration**

(b) *Acknowledges* the importance of comprehensive approaches especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement;

(e) *Encourages* States, UNHCR and other relevant actors when preparing comprehensive arrangements to consider the characteristics of individuals and groups of refugees within a broader refugee population who could benefit from voluntary repatriation, local integration or resettlement;

### **Monitoring of Returnees**

#### **No. 18 (XXXI) – 1980 – Voluntary Repatriation**

(h) Considered that UNHCR could appropriately be called upon-with the agreement of the parties concerned-to monitor the situation of returning refugees with particular regard to any guarantees provided by the governments of countries of origin;

#### **No. 40 (XXXVI) – 1985 – Voluntary Repatriation**

(l) The High Commissioner should be recognized as having a legitimate concern for the consequences of return, particularly where such return has been brought about as a result of an amnesty or other form of guarantee. The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that he is in a position to monitor fulfilment of the amnesties, guarantees or assurances on the basis of which the refugees have returned. This should be considered as inherent in his mandate;

#### **No. 101 (LV) – 2004 – Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees**

(q) *Reiterates* that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment

in accordance with international standards, including as regards the fulfilment of amnesties, guarantees or assurances on the basis of which refugees have returned;

**No. 102 (LVI) – 2005**

(r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

Identification of women and girls at risk

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;

(o) Developing medium-term responses for individuals includes partnerships and actions to:

i. monitor on an ongoing basis initiatives taken with regard to individual safety, wellbeing and needs and ensure accountability for actions taken;

**Obstacles to Voluntary Repatriation / Land Mines**

*The Executive Committee,*

**No. 74 (XLV) – 1994**

(w) *Notes* that numerous obstacles to voluntary repatriation have been encountered, including threats to the safety of repatriating refugees both in countries of asylum and countries of origin and the persistence or recrudescence of conditions causing refugee flight;

(ii) *Notes* with distress the injury and loss of life caused to refugees and returnees, including women and children who are maimed and incapacitated in large numbers, by the indiscriminate use of land-mines, as well as the harmful and long-term impact of these weapons on the voluntary

repatriation, rehabilitation, and resumption of normal lives of millions of refugees and displaced persons, and endorses the High Commissioner's efforts to further international efforts to reduce or eliminate the threat that land-mines pose to them;

**No. 101 (LV) – 2004**

*Recognizing* the complexities of large-scale voluntary repatriation and the difficulties which the country of origin may face in seeking to follow the guidance provided in this Conclusion,

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

**Promotion of Voluntary Repatriation / Creation of Conditions Favourable to Repatriation**

*The Executive Committee,*

**No. 22 (XXXII) – 1981**

*Noting* with appreciation the report of the Group of Experts on temporary refuge in situations of large-scale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

B. Treatment of asylum seekers who have been temporarily admitted to country pending arrangements for a durable solution

2. It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(p) all steps should be taken to facilitate voluntary repatriation.

IV. International solidarity, burden-sharing and duties of States

(6) In a spirit of international solidarity, Governments should also seek to ensure that the causes leading to large-scale influxes of asylum seekers are as far as possible removed and, where such influxes have occurred, that conditions favourable to voluntary repatriation are established.

**No. 29 (XXXIV) – 1983**

(l) *Recognized* the essential need for the exercise of the High Commissioner's international protection function to be facilitated by the co-operation of Governments in granting asylum, in providing the durable solutions of resettlement and local integration and in creating conditions favourable to and promoting voluntary repatriation, which, whenever appropriate and feasible, is the most desirable durable solution for refugee problems; such co-operation should also include fostering in public opinion a deeper understanding of the special needs of refugees and asylum-seekers;



**No. 56 (XL) – 1989**

(b) *Welcomed* the importance given in the report, in particular, to:

- (ii) the strengthening of joint international efforts to deal with causes of flows of asylum-seekers and refugees in order to avert new flows and to facilitate the voluntary repatriation of refugees where this is the most appropriate solution to their problem;

**No. 58 (XL) – 1989**

(d) Within this framework, governments, in close co-operation with UNHCR, should

- (ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement opportunities;

**No. 62 (XLI) – 1990**

(a) *Takes note* of the High Commissioner's emphasis in the Note on International Protection on the following:

- (vi) the need for countries of origin to assume a significant responsibility in the search for appropriate solutions, including through addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;

**No. 65 (XLII) – 1991**

(j) *Requests* the High Commissioner to reinforce efforts to encourage or promote voluntary repatriation of refugees and their safe reintegration in the countries of origin, and urges States to facilitate these efforts, including by ensuring respect for the voluntary nature of any repatriation movement and by allowing their citizens to return in safety and dignity to their homes without harassment, arbitrary detention or physical threats during or after return,

**No. 68 (XLIII) – 1992**

(s) *Reaffirms* that voluntary repatriation of refugees is the preferred solution, where feasible, and endorses UNHCR's efforts to work actively to create, from the outset of a refugee problem, conditions conducive to voluntary return in safety and dignity. The success of this solution will depend on a number of factors, including assurances of safety on return, access arrangements and monitoring possibilities for UNHCR, the adequacy of reception arrangements and reintegration possibilities;

**No. 71 (XLIV) – 1993**

(p) *Recognizes* the close link between protection, assistance and solutions and supports the High Commissioner's efforts to pursue wherever possible opportunities to promote conditions conducive to the preferred solution of voluntary repatriation, noting with appreciation the Office's development of operational guidelines to further these efforts;

**No. 74 (XLV) – 1994**

(u) *Calls upon* UNHCR, in close cooperation with the Governments concerned, to continue to coordinate and to provide guidance concerning the implementation of temporary protection and other forms of asylum oriented towards repatriation, in situations where return home is considered the most appropriate durable solution, including advice on voluntary repatriation and on safe return once the need for international protection has ceased;

(x) *Stresses* in this connection the responsibilities of States of origin to readmit their nationals and to ensure their safety and welfare, and of countries of asylum to provide for the security and safeguard the fundamental rights of refugees, and calls upon the international community to assist States to discharge these responsibilities with respect to refugees and returnees;

(y) *Reaffirms* its Conclusions Nos. 18(XXXI) (1980) and 40(XXXVI) of 1985 on voluntary repatriation, and underscores the leading role of UNHCR in promoting, facilitating, and coordinating voluntary repatriation of refugees, in cooperation with States concerned, including ensuring that international protection continues to be extended to those in need until such time as they can return in safety and dignity to their country of origin, assisting, where needed, the return and reintegration of repatriating refugees and monitoring their safety and well-being upon return;

(z) *Acknowledges* the usefulness, in appropriate circumstances, of visits by representatives of the countries of origin to refugee camps in countries of asylum within the framework of information campaigns to promote voluntary repatriation, and requests UNHCR, in cooperation with the countries of asylum concerned, to facilitate such visits;

(aa) *Recognizes* that for repatriation to be a sustainable and thus truly durable solution to refugee problems it is essential that the need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner, and calls upon the international community to continue to support the High Commissioner's efforts to promote comprehensive and regional approaches to prevention, protection and solutions in consultation with States and the relevant international, regional and national governmental and non-governmental bodies, as appropriate;

**No. 77 (XLVI) – 1995**

(k) *Reiterates* the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions which allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the obligation of all States to accept the return of their nationals, calls on all States to facilitate the return of their nationals who are not refugees;

**No. 80 (XLVII) – 1996**

(b) *Reaffirms* the value of comprehensive approaches in which UNHCR has played a significant part, through its presence and activities in countries of origin as well as countries of asylum; notably the CIREFCA process, the Comprehensive Plan of Action and the repatriation to Mozambique; and recalls that the High Commissioner is mandated to promote voluntary repatriation by taking initiatives including promoting dialogue between all the main parties, facilitating communication between them, and by acting as an intermediary or channel of communication;

**No. 85 (XLIX) – 1998**

(z) *Reaffirms* the fundamental right of all people to leave and to return to their own countries, as well as the obligation of States to receive back their own nationals, and remains seriously concerned, as regards the return of persons not in need of international protection, that some countries continue to restrict the return of their nationals, either outright or through laws and practices which effectively block expeditious return;

**No. 94 (LIII) – 2002**

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of

prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

**No. 95 (LIV) – 2003**

(i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;

**No. 99 (LV) – 2004**

(u) *Reiterates* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; *requests* States, UNHCR and other appropriate United Nations entities and the international community to cooperate in the creation of conditions which would enable the promotion of voluntary repatriation; and *stresses* the need for voluntary repatriation to occur in and to conditions of safety and dignity;

**No. 100 (LV) – 2004**

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

- (i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;

**No. 101 (LV) – 2004**

*Expressing* appreciation for the useful discussions on voluntary repatriation, which took place in the context of the third track of the Global Consultations on International Protection;<sup>[1]</sup> and *agreeing* with the importance of working towards improved conditions for voluntary repatriation and of strengthening cooperation to make such repatriation sustainable in line with Goal 5, Objectives 2 and 3 of the Agenda for Protection which resulted from those discussions,

*Recognizing* in the context of voluntary repatriation the importance of resolute efforts in the country of origin to create conditions that foster the voluntary and safe return of refugees and to ensure the restoration of national protection,

*Noting* the value of countries of origin addressing issues which are of a legal or administrative nature as a means of building confidence, facilitating decisions to return and ensuring sustainable reintegration,

*Emphasizing* that some legal or administrative issues may only be addressed over time; and *recognizing* that voluntary repatriation can and does take place without all of the legal and administrative issues addressed in this Conclusion having first been resolved,

*Noting* the desirability of incorporating appropriate legal protections for returning refugees in peace agreements, whenever possible, as a measure to build confidence and in support of their promotion in practice,

*Underlining* the need for strengthened cooperation among countries of origin, host countries, UNHCR and other international organizations and the international community, to ensure that voluntary repatriation will be sustainable,

*Noting* that reconciliation in post-conflict situations is a key challenge and that addressing this from the outset, where necessary through transitional justice mechanisms, and involving communities, may contribute to creating conditions conducive to voluntary repatriation and sustainable reintegration,

(a) *Invites* countries of origin, in cooperation with UNHCR, other States and other concerned actors, as necessary and appropriate, to address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, by taking into consideration, *inter alia*, the guidance included in the operative paragraphs that follow;

(d) *Emphasizing* that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;

(f) *Strongly* urges countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

(g) *Recognizes* the utility of amnesties in encouraging voluntary repatriation and *recommends* that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further *recognizes*, however, that amnesties should not be extended to returning refugees charged with, *inter alia*, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

[1] EC/GC/02/5 of 25 April 2002.

## **No. 105 (LVII) – 2006 – Women and Girls at Risk**

### Individual responses and solutions

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

**No. 107 (LVIII) – 2007 – Children at Risk**

Prevention, response and solutions

(h) *Further recommends* that States, UNHCR and other relevant agencies and partners undertake the following non-exhaustive prevention, response and solution measures in order to address specific wider environmental or individual risks factors:

xv. In the context of voluntary repatriation of refugees, take appropriate steps to ensure that unaccompanied or separated children are not returned prior to the identification of adequate reception and care arrangements;

**No. 108 (LIX) – 2008**

Protracted refugee situations

(l) *Recognizing* the need for Governments, UNHCR and the international community to continue to respond to the asylum, protection and assistance needs of refugees until durable solutions are found, and while noting that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, *affirms* that voluntary repatriation is the preferred solution, when feasible;

**Voluntary Character of Repatriation in, and to Conditions of Safety and Dignity**

*The Executive Committee,*

**No. 47 (XXXVIII) – 1987**

(k) *Noted* that while the best durable solution for an unaccompanied refugee child will depend on the particular circumstances of the case, the possibility of voluntary repatriation should at all times be kept under review, keeping in mind the best interests of the child and the possible difficulties of determining the voluntary character of repatriation;

**No. 73 (XLIV) – 1993**

(c) *Calls upon* States and UNHCR to ensure the equal access of women and men to refugee status determination procedures and to all forms of personal documentation relevant to refugees' freedom of movement, welfare and civil status, and to encourage the participation of refugee women as well as men in decisions relating to their voluntary repatriation or other durable solutions;

**No. 96 (LIV) – 2003**

(l) *Stresses* the importance of ensuring the sustainability of returns and of avoiding further displacements in countries emerging from conflict, and *notes* that phasing returns of persons found not to be in need of international protection can contribute to this; while *also recognizing* that once a person found not to be in need of international protection has made an informed decision to return voluntarily, this should take place promptly;

**No. 99 (LV) – 2004**

(h) *Welcomes* the significant achievements in voluntary repatriation over the course of the past year<sup>[3]</sup> and the further potential for the sustainable voluntary return of considerable numbers of refugees, as a result of peacemaking, reconciliation and reconstruction efforts which have contributed to the resolution of certain long-running conflicts; *acknowledges* the importance of

ensuring the ongoing voluntary nature of refugee returns and the full and equal participation of refugee women in the pursuit of voluntary repatriation and the consolidation of sustainable reintegration<sup>[4]</sup>; and *urges* States, UNHCR and other relevant actors to strengthen their efforts to provide durable solutions for refugees and other persons of concern;

(u) *Reiterates* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; *requests* States, UNHCR and other appropriate United Nations entities and the international community to cooperate in the creation of conditions which would enable the promotion of voluntary repatriation; and *stresses* the need for voluntary repatriation to occur in and to conditions of safety and dignity;

[3] An illustrative list of major voluntary return operations is included in Section VII of the 2004 Note on International Protection, A/AC.96/989.

[4] In accordance with Security Council Resolution 1325 on Women, Peace and Security.

#### **No. 101 (LV) – 2004**

*Reaffirming* the voluntary character of refugee repatriation, which involves the individual making a free and informed choice through, *inter alia*, the availability of complete, accurate and objective information on the situation in the country of origin; and *stressing* the need for voluntary repatriation to occur in and to conditions of safety and dignity,

*Recognizing* in the context of voluntary repatriation the importance of resolute efforts in the country of origin to create conditions that foster the voluntary and safe return of refugees and to ensure the restoration of national protection,

*Recognizing* the usefulness of States, as countries of asylum or countries of origin, and UNHCR concluding, where appropriate, tripartite agreements to facilitate voluntary repatriation efforts, thereby setting out the core elements and modalities of voluntary repatriation, the respective roles and responsibilities of the relevant actors involved, and the obligations of States with respect to returning refugees, while also noting that, under certain circumstances, voluntary repatriation may take place without such agreements,

*Recognizing* also the importance of spontaneous voluntary repatriation of refugees and that actions to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees,

(a) *Invites* countries of origin, in cooperation with UNHCR, other States and other concerned actors, as necessary and appropriate, to address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, by taking into consideration, *inter alia*, the guidance included in the operative paragraphs that follow;

(b) *Reaffirms* that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; *urges* States to issue necessary travel documents, if required, to facilitate such return; *calls* upon transit countries to assist in the facilitation of return; and also *notes* that refugees may be required to be subject to brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;<sup>[2]</sup> and, in this context, *notes* the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

[2] See Article 12(3) of the International Covenant on Civil and Political Rights.

- (d) *Emphasizing* that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;
- (e) *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return; and *recognizes* that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin;
- (f) *Strongly* urges countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;
- (g) *Recognizes* the utility of amnesties in encouraging voluntary repatriation and *recommends* that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further *recognizes*, however, that amnesties should not be extended to returning refugees charged with, *inter alia*, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;
- (h) *Recognizes* that, in principle, all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; *notes*, therefore, the potential need for fair and effective restitution mechanisms, which also take into account the situation of secondary occupants of refugees' property; and also *notes* that where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin;
- (i) *Stresses* the desirability of ensuring that any restitution and compensation framework takes account of the situation of returning refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time;
- (j) *Encourages* countries of origin to provide homeless returning refugees, as appropriate, with access to land and/or adequate housing, comparable to local standards;
- (l) *Notes* also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may face difficulties securing recognition of documentation issued by the authorities of the country of asylum;
- (o) *Notes* the importance of skills of returning refugees for self-reliance and, in this context, *calls upon* countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and *encourages* countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and *stresses* in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

(q) *Reiterates* that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment in accordance with international standards, including as regards the fulfilment of amnesties, guarantees or assurances on the basis of which refugees have returned;

(r) *Encourages* the country of origin, host countries and UNHCR in cooperation with other relevant actors to provide refugees with complete, objective and accurate information, including on physical, material and legal safety issues, prior to their voluntary repatriation to and reintegration in the country of origin;

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

#### **No. 102 (LVI) – 2005**

(r) *Welcomes* continued progress in the attainment of durable solutions, particularly through the voluntary repatriation, in safety and dignity, of large numbers of refugees this past year; *reiterates* that UNHCR, in line with its mandated responsibilities, be given free and unhindered access to returning refugees, as needed, in particular to monitor the latter's proper treatment in accordance with international standards; and, in this context, encourages UNHCR to strengthen its returnee monitoring activities, where necessary, in the interests of consolidating sustainable return;

#### **No. 104 (LVI) – 2005 – Local Integration**

*Reaffirming* that voluntary repatriation, local integration and resettlement are the traditional durable solutions, and that all remain viable and important responses to refugee situations; *reiterating* that voluntary repatriation, in safety and dignity, where and when feasible, remains the most preferred solution in the majority of refugee situations; *noting* that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions; and *agreeing* that local integration is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles, and that the provisions of this Conclusion are for the guidance of States and UNHCR when local integration is to be considered,

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

##### Individual responses and solutions

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;



## WOMEN

[*See also* PERSECUTION, Gender-related Persecution / Sexual Violence; PERSONAL SECURITY / PHYSICAL VIOLENCE; REFUGEE STATUS DETERMINATION, Family Members / Women / Children; SEXUAL VIOLENCE; SMUGGLING AND TRAFFICKING]

### Conclusions Specific to Women

*The Executive Committee,*

#### **No. 39 (XXXVI) – 1985 – Refugee Women and International Protection**

- (a) *Welcomed* the initiative of the Office in organizing the Round Table on Refugee Women in Geneva in April 1985;
- (b) *Welcomed* further the recommendations regarding the situation of refugee and displaced women adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women held in Nairobi (Kenya) in July 1985;
- (c) *Noted* that refugee women and girls constitute the majority of the world refugee population and that many of them are exposed to special problems in the international protection field;
- (d) *Recognized* that these problems result from their vulnerable situation which frequently exposes them to physical violence, sexual abuse, and discrimination;
- (e) *Stressed* the need for such problems to receive the urgent attention of Governments and of UNHCR and for all appropriate measures to be taken to guarantee that refugee women and girls are protected from violence or threats to their physical safety or exposure to sexual abuse or harassment;
- (f) *Noted* with satisfaction the measures already undertaken by UNHCR to address the protection problems of refugee women and to ensure that they are adequately protected;
- (g) *Called upon* States to continue to support UNHCR programmes established with a view to securing protection for refugee women, and UNHCR assistance programmes for refugee women, especially those aimed at helping refugee women become self-sufficient through educational and income-generating projects;
- (h) *Recommended* that States, individually, jointly and in co-operation with UNHCR, redefine and reorient existing programmes and, where necessary, establish new programmes to meet the specific problems of refugee women, in particular to ensure the safeguard of their physical integrity and safety, and their equality of treatment. Women refugees should participate in the formulation and implementation of such programmes;
- (i) *Stressed* the importance of a more detailed knowledge and understanding of the special needs and problems of refugee women in the international protection field and of gathering statistical, sociological and other data concerning refugee women and girls in order to identify and implement appropriate mechanisms to ensure their effective protection;

(j) *Requested* the High Commissioner to report regularly to members of the Executive Committee on the needs of refugee women, and on existing and proposed programmes for their benefit;

(k) *Recognized* that States, in the exercise of their sovereignty, are free to adopt the interpretation that women asylum-seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a “particular social group” within the meaning of Article 1 A(2) of the 1951 United Nations Refugee Convention.

#### **No. 54 (XXXIX) – 1988 – Refugee Women**

*Expressed* appreciation for the Note on Refugee Women (A/AC.96/XXXIX/CRP.1), particularly its emphasis on the interdependence of the problems and special needs of refugee women in regard to assistance, protection and durable solutions;

*Recognized* that with regard to international protection, there are situations in which refugee women face particular hazards, especially threats to their physical safety and sexual exploitation;

*Called* for the reinforcement of the preventive measures initiated by the Office and concerned agencies to enhance the physical security of refugee women;

*Called* on host Governments to strengthen their support of the Office’s protection activities as they relate to women, and for relevant Governments to support the Special Resettlement Programme for Women-at-risk;

*Supported* the High Commissioner’s recognition of refugee women as a vital economic force and of the need to promote their participation as agents as well as beneficiaries in the planning of protection and assistance programmes;

*Requested* the High Commissioner to introduce further effective measures towards the integration of women’s issues within the programme-planning cycle at all stages, in particular: check lists within technical sector guidelines, gender issues in the Executive Committee country chapters, detailed reference in the UNHCR Programme Manual. Also requested that all project documents submitted for funding purposes include a paragraph on its impact on the problems and special needs of refugee women and that the periodic narrative reports refer to this aspect as well;

*Stressed* the ongoing need for an active senior level Steering Committee to co-ordinate, integrate and oversee the process throughout UNHCR;

*Urged* the High Commissioner to explore and build upon the experience obtained by other United Nations organizations, donor community and NGOs, and adapt this information to UNHCR’s specific orientation;

*Encouraged* the High Commissioner in his public information activities on refugee women and called upon him to expand this area in the future;

*Encouraged* the High Commissioner to develop training modules to be offered to UNHCR staff and implementing partners to increase their awareness of the specific needs of refugee women and practical means of addressing these needs;

*Requested* the High Commissioner to provide, at the fortieth session of the Executive Committee, a detailed progress report on the implementation of the Office’s policies and programmes for refugee women, including an evaluation of the effectiveness of the UNHCR internal guidelines relating to the international protection of refugee women;

*Called upon* host countries, the donor community and NGOs to actively support the High Commissioner in the implementation of this programme.

**No. 60 (XL) – 1989 – Refugee Women**

- a) *Expressed* appreciation for the Report on Refugee Women (A/AC.96/727) and commended the Office of the High Commissioner on progress towards promoting the participation of refugee women as agents as well as beneficiaries in the planning and implementation of protection and assistance programmes;
- b) *Noted* with serious concern that the basic rights of refugee women continue to be violated in a number of situations, including through threats to their physical safety and sexual exploitation;
- c) *Called for* the reinforcement of preventive measures and for States and concerned agencies to strengthen their support of UNHCR's protection activities relating to refugee women, *inter alia*, by providing resettlement places for women at risk;
- d) *Noted* UNHCR's intention to include the subject of refugee women on the agenda of the Sub-Committee of the Whole on International Protection of the Forty-first Session of the Executive Committee, and on the Sub-Committee on Administrative and Financial matters under the item "Major Trends";
- e) *Requested* the High Commissioner to provide at the Forty First Session of the Executive Committee, a policy framework and organizational workplan for the next stages in mainstreaming of refugee women's issues within the organization with particular attention to the need for female field workers to facilitate participation of refugee women. In addition, requested the High Commissioner to provide a detailed progress report on the implementation of his Office's policies and programmes for refugee women, on both protection and assistance activities. Requested particularly that the High Commissioner prepare a revised and expanded version of the internal guidelines relating to the international protection of refugee women;
- f) *Reaffirmed* the conclusions regarding refugee women of the Thirty-ninth Session of the Executive Committee, and stressed the ongoing need for active senior management support to coordinate, integrate and oversee the implementation of those conclusions. In this regard, fully encouraged the participation of senior managers in the forthcoming gender impact and analysis orientation seminar;
- g) *Noted* with satisfaction the recruitment of a Senior Coordinator for Refugee Women, the production of guidelines to field offices to identify the special needs and encourage participation of refugee women, and the publication of the revised bibliography on refugee women;
- h) *Urged* the High Commissioner to develop a methodology for systematically addressing gender issues in refugee programmes and, as a basis for this, requested the High Commissioner to collect and analyze demographic, anthropological and socioeconomic information on refugee populations, in particular, data on gender roles and responsibilities and to ensure that such information is used in planning UNHCR programmes;
- i) *Encouraged* the High Commissioner in his development of training materials and courses to increase awareness of the specific needs and potential of refugee women and his initiative to involve nongovernmental organizations in this training; called upon him to expand this area in the future with a view to improved programme and project planning and in particular to further develop components to address the special protection concerns of refugee women;
- j) *Encouraged* the High Commissioner to make additional efforts to raise public awareness of the specific situation of refugee women and recommended the fortieth anniversary as an opportunity to emphasize refugee women as active participants of UNHCR's programmes;
- k) *Encouraged* the High Commissioner to share his experience in this sector with other United

Nations agencies and strongly supported him in taking a lead role in presenting the situation of refugee women at the Thirty-fourth Session of the Commission on the Status of Women in 1990;

l) *Stressed* the need for ongoing attention to the systematic collection and dissemination of documentation with regard to refugee women, both within UNHCR and in co-operation with other organizations;

m) *Called on* operational partners to support the High Commissioner by: expanding their own activities in gender impact training, including provision for an assessment of impact on refugee women in their project agreements and self-evaluation reports, and exchanging information with other organizations having experience in women's issues.

#### **No. 64 (XLI) – 1990 – Refugee Women and International Protection**

*Noting* with serious concern the widespread violations of the rights of refugee women and their specific needs;

*Underlining* the potential of refugee women and the need to ensure their full participation in analyzing their needs and in designing and implementing programmes which make appropriate use of their resources;

*Reaffirming* its Conclusions No. 39 (XXXVI) on Refugee Women and International Protection;

*Stressing* that all action taken on behalf of women who are refugees must be guided by the relevant international instruments relating to the status of refugees as well as other applicable human rights instruments, in particular, for States parties thereto, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

*Recognizing* that ensuring equal treatment of refugee women and men may require specific action in favour of the former;

*Recalling* the special relevance of the Nairobi Forward-Looking Strategies on the Advancement of Women and the obligation of the United Nations Systems as a whole to give effect to its provisions;

*Reiterating* the importance of collecting data which allows for the monitoring of progress achieved in meeting the needs of refugee women,

(a) Urges States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

(i) Promote energetically the full and active participation of refugee women in the planning, implementation and evaluation/monitoring of all sectors of refugee programmes;

(ii) Increase the representation of appropriately trained female staff across all levels of all organizations and entities which work in refugee programmes and ensure direct access of refugee women to such staff;

(iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;

- (iv) Ensure that all refugees and the staff of relevant organizations and authorities are fully aware of, and support, the rights, needs and resources of refugee women and take appropriate specific actions;
- (v) Integrate considerations specific to the protection of refugee women into assistance activities from their inception, including when planning refugee camps and settlements, in order to be able to deter, detect and redress instances of physical and sexual abuse as well as other protection concerns at the earliest possible moment;
- (vi) Extend professional and culturally appropriate gender-based counselling as well as other related services to refugee women who are victims of abuse;
- (vii) Identify and prosecute persons who have committed crimes against refugee women and protect the victims of such crimes from reprisals;
- (viii) Issue individual identification and/or registration documents to all refugee women;
- (ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;
- (x) Provide for informed and active consent and participation of refugee women in individual decisions about durable solutions for them;
- (xi) Ensure that resettlement programmes make special provisions for refugee women at risk.

(b) *Invites* UNHCR to develop comprehensive guidelines on the protection of refugee women as a matter of urgency in order to give effect to its policy on refugee women as contained in document A/AC.96/754.

**No. 93 (LIII) – 2002**

*Recalling* its Conclusion No. 22 (XXXII) on protection of asylum-seekers in situations of large-scale influx, Conclusion No. 44 (XXXVII) on detention of refugees and asylum-seekers, Conclusion No. 47 (XXXVIII) on refugee children, Conclusion No. 64 (XLI) on refugee women and international protection, Conclusion No. 73 (XLIV) on refugee protection and sexual violence, Conclusion No. 82 (XLVIII) on safeguarding asylum, Conclusion No. 84 (XLVIII) on refugee children and adolescents, as well as Conclusion No. 91 (LII) on registration of refugees and asylum-seekers,

**No. 94 (LIII) – 2002**

*Recalling* its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

**No. 102 (LVI) – 2005**

(v) *Recalls* its Conclusion No. 91 (LII) on the Registration of Refugees and Asylum-Seekers; *notes* the many forms of harassment faced by refugees and asylum-seekers who remain without any form of documentation attesting to their status; *recalls* the responsibility of States to register refugees on their territory; *reiterates* in this context the central role early and effective registration and

documentation can play, guided by protection considerations, in enhancing protection and supporting efforts to find durable solutions; *calls on* UNHCR, as appropriate, to help States conduct this procedure should States be unable to register refugees on their territory; *welcomes* the continued progress being made in the roll-out and implementation on the ground of improved registration practices under the auspices of Project Profile, including efforts taken to ensure the appropriate documentation of all refugees and asylum-seekers, including women and children; *encourages* further progress in introducing new techniques and tools, including biometrics features; *underlines* that the registration process should abide by the fundamental principles governing the protection of personal data; and *requests* that UNHCR explore the modalities for sharing data with States, for the specific purposes acknowledged in paragraph (f) of Conclusion No. 91, in a manner that fully respects international norms and standards regarding personal data protection;

(w) *Acknowledges* that access to HIV and AIDS prevention, care and treatment, as far as possible in a manner comparable with the services available to the local hosting community, is increasingly recognized by States as an essential component in the protection of refugees, returnees and other persons of concern; *encourages* UNHCR to pursue activities in this regard, in close collaboration with relevant partners, in particular in the implementation of the objectives agreed in the UNAIDS Unified Budget Work Plan, ensuring specific emphasis on the rights of refugee women and children affected by the pandemic; and *notes* the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

#### **No. 104 (LVI) – 2005 – Local Integration**

(o) *Emphasizes* that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacities of refugees to integrate locally, recognizing changes in gender roles following displacement and the need for different strategies and support to boost the integration capacity of various groups with special needs, such as refugee women, refugee children and older refugees;

#### **No. 105 (LVII) – 2006 – Women and Girls at Risk**

*Recalling* its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL) and 64 (XLI) on refugee women; Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII) on refugee children and/or adolescents; Nos. 73 (XLIV) and 98 (LIV) on refugee protection and sexual violence and protection from sexual abuse and exploitation respectively, and No. 94 (LIII) on the civilian and humanitarian character of asylum,

*Recalling* that Security Council resolution 1325 (2000) on women and peace and security and the subsequent Action Plan (S/2005/636) provide an integrated framework for a consolidated international and UN-wide response to this challenge, that Security Council resolution 1261 (1999) and five subsequent resolutions on children and armed conflict, call on governments, parties to a conflict and other organizations, including UN bodies, to take wide-ranging action to protect children in armed conflict and afterwards, and that Security Council resolutions 1265 (1999), 1296 (2000) and 1674 (2006), similarly call on parties to armed conflict to ensure the protection of affected civilians, including women and children,

*Acknowledging* that, while forcibly displaced men and boys also face protection problems, women and girls can be exposed to particular protection problems related to their gender, their cultural and socio-economic position, and their legal status, which mean they may be less likely than men and boys to be able to exercise their rights and therefore that specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys,

*Recalling* that the protection of women and girls is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions; and that all action on behalf of women and girls must be guided by obligations

under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law,

*Bearing in mind* Conclusion No. 75 (XLV) on internally displaced persons and *noting* that the protection challenges for internally displaced persons (IDPs) and refugees may differ, that the normative legal frameworks for their protection are different, that humanitarian access to internally displaced persons can be more difficult, that internally displaced women and girls are more likely to be caught in armed conflict and may face specific protection risks as a result and that the responses and solutions available to refugee and internally displaced women and girls may be different,

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

*Acknowledging* that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and non-governmental organizations, together with displaced and host communities, are integral to effective identification, responses, monitoring and solutions,

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

*Reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance, and of durable solutions, based on international solidarity, cooperation, burden and responsibility sharing and the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the risks women and girls face,

*Acknowledging* that forced displacement tends to expose individuals to particular risks, recognizing the specific needs of women and girls, *noting* that this Conclusion applies to women and girls who are refugees, asylum-seekers or IDPs assisted and protected by UNHCR, who find themselves in situations of heightened risk, and further that it could also be applied, as appropriate, to returnees of concern to UNHCR,

(a) *Adopts* this Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and recommends that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

#### Identification of women and girls at risk

(b) Forced displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights. These can be present in the wider protection environment and/or be the result of the individual's particular circumstances, as outlined below.

(c) Identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and

implemented. Identification can present particular challenges because women and girls are often less visible in displaced populations than men and boys, they may not be or feel able to report protection incidents, particularly if these occur in the private domain. It is therefore important to ensure an enabling environment which supports continuing identification and analysis of the situation.

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

#### Preventive strategies

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;
- ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;



- iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;
- iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;
- v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;
- vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>[1]</sup> including through provision of quality health services to address the specific needs of women and girls at risk;

<sup>[1]</sup> See for example UNHCR “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response”, 2003; Inter-Agency Standing Committee (IASC) “Guidelines for Gender-based Violence Interventions in Humanitarian Settings”, 2005.

- ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;
- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;
- iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;
- v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and
- vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

- i. strengthen women’s leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR’s Five Commitments to Refugee Women;
- ii. strengthen women’s and girls’ capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing

food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and

iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

#### Individual responses and solutions

(m) Recommended actions by States, UNHCR, other relevant agencies and partners to respond to the situation of individual women and girls at risk are listed non-exhaustively below.

(n) Ensuring early identification and immediate response involves partnerships and actions to:

i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;

ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;

iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and

iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

i. monitor on an ongoing basis initiatives taken with regard to individual safety, well-being and needs and ensure accountability for actions taken;

ii. help secure the access of women and girls at risk to justice and reduce impunity, including by advising, accompanying and supporting them through initiatives such as women's legal clinics, local women's associations, witness relocation programmes and mobile courts in remote areas; and

iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

(p) Recommended longer-term responses and solutions include partnerships and actions to:

i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin,

and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;

ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;

iii. consider using special evacuation programmes for internally displaced women and girls at risk, if necessary, given that resettlement is very rarely available to them;

iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and

v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

## **Obstacles to the Protection of Refugee Women**

*The Executive Committee,*

### **No. 32 (XXXIV) – 1983**

(a) *Expressed* profound concern at the continuation of military or armed attacks on refugee camps and settlements which was causing untold suffering to refugees, including women and children and elderly persons;

### **No. 71 (XLIV) – 1993**

(y) *Requests* the High Commissioner, given the diversity and persistent character of certain obstacles hampering the protection of refugee women and refugee children, in consultation with the Chairman of the Executive Committee, to convene an informal working group of the Committee to examine these obstacles, as well as review options and propose concrete measures to overcome them;

### **No. 85 (XLIX) – 1998**

(j) *Deplores* gender-related violence and all forms of discrimination on grounds of sex directed against refugee and displaced women and girls, and calls on States to ensure that their human rights and physical and psychological integrity are protected, and that they are made aware of these rights;

**No. 101 (LV) – 2004**

(i) *Stresses* the desirability of ensuring that any restitution and compensation framework takes account of the situation of returning refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time;

**No. 105 (LVII) – 2006 – Women and Girls at Risk**Identification of women and girls at risk

(b) Forced displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights. These can be present in the wider protection environment and/or be the result of the individual's particular circumstances, as outlined below.

(c) Identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and implemented. Identification can present particular challenges because women and girls are often less visible in displaced populations than men and boys, they may not be or feel able to report protection incidents, particularly if these occur in the private domain. It is therefore important to ensure an enabling environment which supports continuing identification and analysis of the situation.

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them; legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

## Promotion of Rights of Refugee Women / International Agenda

*The Executive Committee,*

### **No. 54 (XXXIX) – 1988**

*Encouraged* the High Commissioner to develop training modules to be offered to UNHCR staff and implementing partners to increase their awareness of the specific needs of refugee women and practical means of addressing these needs;

### **No. 68 (XLIII) – 1992**

(j) *Reaffirms* its Conclusion No. 64 (XLI) on Refugee Women and International Protection, and calls upon the High Commissioner to pursue her efforts to increase public awareness of the rights and protection needs of refugee women and girls, *inter alia*, through further sensitization of bodies concerned with the status of women, and by promoting and supporting the inclusion of the issue of the rights of refugee women on the international human rights agenda;

(k) *Encourages* the High Commissioner to ensure that specific attention to refugee women's issues becomes an integral part of refugee protection and requests her also to ensure that the protection situation of both refugee women and of refugee children is included in the plan of work for forthcoming meetings of the Sub-Committee of the Whole on International Protection;

### **No. 71 (XLIV) – 1993**

(v) *Calls upon* the High Commissioner to pursue her efforts to ensure the protection of refugee women and girls and reaffirms in this regard its Conclusion No. 64 (XLII) on Refugee Women and International Protection and paragraphs (i) to (k) of Conclusion No. 68 (XLIII);

### **No. 74 (XLV) – 1994**

(ff) *Calls on* the High Commissioner to ensure UNHCR's active participation in the 1995 World Conference on Women and its Regional Preparatory Conferences in order that the situation of refugee women remain high on the international agenda of women's issues;

## Special / Specific Protection Needs

*The Executive Committee,*

### **No. 46 (XXXVIII) – 1987**

(g) *Took into account* that refugee women have special protection and assistance needs as well as special resources which can be utilized for the benefit of all refugees, reiterated the need to give particular attention to their situation with a view to improving existing protection and assistance programmes and called on all States and concerned agencies to support the High Commissioner's efforts in this regard;

(h) *Recognized* the need to collect reliable information and statistics about refugee women, to increase awareness about their situation and to incorporate information about their needs in the Office's training programmes and called upon the High Commissioner to report in detail at the thirty-ninth session of the Executive Committee on the particular protection and assistance problems and needs of refugee women and on the concrete measures taken to meet them;

**No. 60 (XL) – 1989**

(l) *Stresses* the need for ongoing attention to the systematic collection and dissemination of documentation with regard to refugee women, both within UNHCR and in co-operation with other organizations;

**No. 71 (XLIV) – 1993**

(ee) *Welcomes* the Vienna Declaration and Programme of Action of the World Conference on Human Rights, particularly as it reaffirms the right to seek and enjoy asylum, and the right to return to one's country; stresses the importance of the 1951 Convention and 1967 Protocol; expresses appreciation to UNHCR; recognizes the link between gross violations of human rights and displacement, as well as the need for a comprehensive approach by the international community for refugees and displaced persons including addressing root causes, strengthening emergency preparedness and response, providing effective protection, and achieving durable solutions; and notes also its recognition of the special needs of women and children in terms of protection and assistance, and its emphasis on the importance of solutions for internally displaced persons;

**No. 85 (XLIX) – 1998**

(jj) *Reaffirms* the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.

**No. 87 (L) – 1999**

(o) *Calls* on States to promote and protect the human rights of all refugees; expresses its particular and deep concern that refugees with special protection needs, including refugee women and children, are increasingly targets of exploitation, forced military service and various forms of violence; and calls on States to tailor their protection responses accordingly;

**No. 90 (LII) – 2001**

(i) *Stresses* the importance of according special attention to the protection needs of vulnerable refugees, including women, children and the elderly, in the application of the international refugee instruments and related protection standards;

(r) *Takes note* with particular concern that problems of statelessness can impact disproportionately on women and children, due to the particular operation of nationality and birth registration laws; *underlines* the importance, notably for women, of identity documentation and proper registration of births and marriages; and *calls upon* States to adopt all necessary measures in this regard;

**No. 93 (LIII) – 2002**

(b) *Recommends* that the reception of asylum-seekers should be guided by the following general considerations:

(iii) Gender and age-sensitivity should be reflected in reception arrangements, these should address in particular the educational, psychological, recreational and other special needs of children, especially unaccompanied and separated children. They should also take into

account the specific needs of victims of sexual abuse and exploitation, of trauma and torture,<sup>[2]</sup> as well as of other vulnerable groups;

<sup>[2]</sup> For definition of “torture”, see 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**No. 94 (LIII) – 2002**

*Recognizing* that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

**No. 95 (LIV) – 2003**

(f) *Recognizes* the importance for States to promote an age and gender-sensitive approach in the application of international refugee instruments and for UNHCR to ensure consideration of age and gender in its policy making and operations through further mainstreaming;

(x) *Encourages* UNHCR to provide to the Standing Committee an outline of nationality issues impacting women and children that increase their vulnerability to statelessness, such as problems faced in the registration of births, marriages and nationality status;

**No. 97 (LIV) – 2003**

(a) *Recommends* that interception measures be guided by the following considerations in order to ensure the adequate treatment of asylum-seekers and refugees amongst those intercepted;

(v) The special needs of women and children and those who are otherwise vulnerable should be considered as a matter of priority;

**No. 99 (LV) – 2004**

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner’s five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

**No. 100 (LV) – 2004**

*Recalling* the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, *inter alia*, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, *inter alia*, through registration in principle on an individual basis, full and equal participation in

matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

**No. 101 (LV) – 2004**

(l) *Notes* also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may face difficulties securing recognition of documentation issued by the authorities of the country of asylum;

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and *stresses* in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

**No. 102 (LVI) – 2005**

(f) *Expresses* concern at instances of persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; *condemns* all forms of threats, harassment and violence directed against refugees and other persons of concern, and *expresses* its deep concern about such acts experienced by refugee women and children, including sexual and gender-based violence; and *calls on* States to promote and protect the human rights of all refugees, and other persons of concern, paying special attention to those with specific needs, and to tailor their protection responses appropriately;

(p) *Acknowledges* the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; *encourages* UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and wellbeing of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees; and *looks forward* to learning more on UNHCR's intentions regarding diversity;

**No. 108 (LIX) – 2008**

Refugees and others of concern with disabilities

(j) *Emphasizes* the importance of promoting a protection and reception environment, with particular attention given to vulnerability of children and women, that encourages the systematic inclusion of refugees and others of concern with disabilities in all areas of society, including in national programmes and policies, and mobilizes financial and other necessary resources, as appropriate, to support host countries efforts in this regard on the basis of international solidarity and burden sharing;



## Resettlement

(o) *Welcomes* the progress that has been achieved in increasing the number of States offering opportunities for resettlement and the number of refugees resettled, in particular of women and girls at heightened risk;

## **UNHCR Guidelines, Policy and Handbook on Refugee Women**

*The Executive Committee,*

### **No. 65 (XLII) – 1991**

(e) *Encourages* UNHCR, both at Headquarters and in the field, actively to promote greater support and understanding of UNHCR's policy and activities on behalf of refugee women, including with UNHCR's implementing partners and all appropriate national or international fora where protection problems of refugee women or girls are at issue;

(f) *Commends* the High Commissioner for the Guidelines on the Protection of Refugee Women (document (EC/SCP/67), requests that these guidelines be made an integral part of all UNHCR protection and assistance activities and calls for a progress report on implementation of the guidelines at the forty-third session of the Executive Committee and urges the High Commissioner to maintain the position of Senior Coordinator for Refugee Women;

### **No. 68 (XLIII) – 1992**

(i) *Expresses* appreciation for the progress report on the implementation of the Guidelines on the Protection of Refugee Women (EC/SCP/74), notes with great concern the precarious situation of many refugee women, whose physical safety is often endangered and who often do not have equal access to basic necessities including adequate health and educational facilities, and calls upon all States, UNHCR and other concerned parties to ensure implementation of the Guidelines, particularly through measures aimed at eliminating all forms of sexual exploitation of and violence against refugee women, protecting women heads of household, and promoting their active participation and involvement in decisions affecting their lives and communities;

### **No. 89 (LI) – 2000**

*Affirming* the importance of according priority attention to the protection needs of women, children, adolescents, and the elderly in the planning and implementation of UNHCR programmes and State policies;

### **No. 98 (LIV) – 2003**

*Recalling* previous UNHCR policies and guidelines intended to address violence against refugees, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women; the 1993 Policy on Refugee Children and 1994 Refugee Children: Guidelines on Protection and Care, the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response, as updated in 2003; and the High Commissioner's 2001 Five Commitments to Refugee Women;

*Noting* the issuance in May 2003 of UNHCR's revised *Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations*, as well as the *UNHCR Guidelines on International Protection, Gender-Related Persecution*, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

(b) *Calls upon* UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

(i) Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;

(ii) Implementing the relevant recommendations from the evaluations of UNHCR's activities in the area of refugee women, refugee children and community services;

**No. 99 (LV) – 2004**

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner's five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

(r) *Strongly encourages* States, UNHCR, and all relevant actors, whether alone or in partnership, to strengthen action to prevent and respond to sexual and gender-based violence, in particular through carrying out their respective responsibilities for the introduction of standard operating procedures, the rigorous implementation of relevant UNHCR Guidelines<sup>[5]</sup> and related measures highlighted by the Executive Committee in its Conclusion No. 98 (LIV) of 2003, as well as through the active use of resettlement, when appropriate, to ensure protection and a durable solution for victims of sexual and gender-based violence;

<sup>[5]</sup> Including the May 2003 Guidelines for Prevention and Response to Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons.

**No. 105 (LVII) – 2006 – Women and Girls at Risk**

(a) *Adopts* this Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and recommends that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

## CHRONOLOGICAL LIST OF CONCLUSIONS

<i>Title</i>	<i>Year of Adoption</i>
1 (XXVI) Establishment of the Sub-Committee and General Conclusion on International Protection	1975
2 (XXVII) Functioning of the Sub-Committee and General Conclusion on International Protection	1976
3 (XXVIII) General Conclusion on International Protection	1977
4 (XXVIII) International Instruments	1977
5 (XXVIII) Asylum	1977
6 (XXVIII) <i>Non-Refoulement</i>	1977
7 (XXVIII) Expulsion	1977
8 (XXVIII) Determination of Refugee Status	1977
9 (XXVIII) Family Reunion	1977
10 (XXVIII) Protection Staff	1977
11 (XXIX) General Conclusion on International Protection	1978
12 (XXIX) Extraterritorial Effect of the Determination of Refugee Status	1978
13 (XXIX) Travel Documents for Refugees	1978
14 (XXX) General Conclusion on International Protection	1979
15 (XXX) Refugees Without an Asylum Country	1979
16 (XXXI) General Conclusion on International Protection	1980
17 (XXXI) Problems of Extradition Affecting Refugees	1980
18 (XXXI) Voluntary Repatriation	1980
19 (XXXI) Temporary Refuge	1980
20 (XXXI) Protection of Asylum-Seekers at Sea	1980
21 (XXXII) General Conclusion on International Protection	1981
22 (XXXII) Protection of Asylum-Seekers in Situations of Large-Scale Influx	1981
23 (XXXII) Problems Related to the Rescue of Asylum-Seekers in Distress at Sea	1981
24 (XXXII) Family Reunification	1981
25 (XXXIII) General Conclusion on International Protection	1982
26 (XXXIII) Report of the Working Group on Problems Related to the Rescue of Asylum-Seekers in Distress at Sea	1982
27 (XXXIII) Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere	1982
28 (XXXIII) Follow-up on Earlier Conclusions of the Sub-Committee of the Whole on International Protection on the Determination of Refugee Status, <i>Inter Alia</i> , with Reference to the Role of UNHCR in National Refugee Status Determination Procedures	1982
29 (XXXIV) General Conclusion on International Protection	1983
30 (XXXIV) The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum	1983
31 (XXXIV) Rescue of Asylum-Seekers in Distress at Sea	1983
32 (XXXIV) Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere	1983
33 (XXXV) General Conclusion on International Protection	1984
34 (XXXV) Problems Related to the Rescue of Asylum-Seekers in Distress at Sea	1984
35 (XXXV) Identity Documents for Refugees	1984
36 (XXXVI) General Conclusion on International Protection	1985
37 (XXXVI) Central American Refugees and the Cartagena Declaration	1985
38 (XXXVI) Rescue of Asylum-Seekers in Distress at Sea	1985

<i>Title</i>	<i>Year of Adoption</i>
39 (XXXVI) Refugee Women and International Protection	1985
40 (XXXVI) Voluntary Repatriation	1985
41 (XXXVII) General Conclusion on International Protection	1986
42 (XXXVII) Accession to International Instruments and Their Implementation	1986
43 (XXXVII) Geneva Declaration on the 1951 United Nations Convention and the 1967 Protocol Relating to the Status of Refugees	1986
44 (XXXVII) Detention of Refugees and Asylum-Seekers	1986
45 (XXXVII) Military and Armed Attacks on Refugee Camps and Settlements	1986
46 (XXXVIII) General Conclusion on International Protection	1987
47 (XXXVIII) Refugee Children	1987
48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements	1987
49 (XXXVIII) Travel Documents for Refugees	1987
50 (XXXIX) General Conclusion on International Protection	1988
51 (XXXIX) Promotion and Dissemination of Refugee Law	1988
52 (XXXIX) International Solidarity and Refugee Protection	1988
53 (XXXIX) Stowaway Asylum-Seekers	1988
54 (XXXIX) Refugee Women	1988
55 (XL) General Conclusion on International Protection	1989
56 (XL) Durable Solutions and Refugee Protection	1989
57 (XL) Implementation of the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees	1989
58 (XL) Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection	1989
59 (XL) Refugee Children	1989
60 (XL) Refugee Women	1989
61 (XLI) General Conclusion on International Protection	1990
62 (XLI) Note on International Protection	1990
63 (XLI) Solutions and Protection	1990
64 (XLI) Refugee Women and International Protection	1990
65 (XLII) General Conclusion on International Protection	1991
66 (XLII) Report of the Working Group on Solutions and Protection	1991
67 (XLII) Resettlement as an Instrument of Protection	1991
68 (XLIII) General Conclusion on International Protection	1992
69 (XLIII) Cessation of Status	1992
70 (XLIII) Decision on Inter-Sessional Meetings	1992
71 (XLIV) General Conclusion on International Protection	1993
72 (XLIV) Personal Security of Refugees	1993
73 (XLIV) Refugee Protection and Sexual Violence	1993
74 (XLV) General Conclusion on International Protection	1994
75 (XLV) Internally Displaced Persons	1994
76 (XLV) Recommendations of the OAU/UNHCR Commemorative Symposium on Refugees and Forced Population Displacements in Africa	1994
77 (XLVI) General Conclusion on International Protection	1995
78 (XLVI) Prevention and Reduction of Statelessness and the Protection of Stateless Persons	1995
79 (XLVII) General Conclusion on International Protection	1996
80 (XLVII) Comprehensive and Regional Approaches within a Protection Framework	1996
81 (XLVIII) General Conclusion on International Protection	1997
82 (XLVIII) Safeguarding Asylum	1997
83 (XLVIII) Safety of UNHCR Staff and Other Humanitarian Personnel	1997

<i>Title</i>	<i>Year of Adoption</i>
84 (XLVIII) Refugee Children and Adolescents	1997
85 (XLIX) Conclusion on International Protection	1998
86 (XLIX) Decision on Informal Consultations on Protection Issues	1998
87 (XLX) General Conclusion on International Protection	1999
88 (XLX) Protection of the Refugee's Family	1999
89 (LI) Conclusion on International Protection	2000
90 (LII) Conclusion on International Protection	2001
91 (LII) Conclusion on Registration of Refugees and Asylum-seekers	2001
92 (LIII) General Conclusion on International Protection	2002
93 (LIII) Conclusion on Reception of Asylum-Seekers in the Context of Individual Asylum Systems	2002
94 (LIII) Conclusion on the Civilian and Humanitarian Character of Asylum	2002
95 (LIV) General Conclusion on International Protection	2003
96 (LIV) Conclusion on the Return of Persons Found not to be in Need of International Protection	2003
97 (LIV) Conclusion on Protection Safeguards in Interception Measures	2003
98 (LIV) Conclusion on Protection from Sexual Abuse and Exploitation	2003
99 (LV) General Conclusion on International Protection	2004
100 (LV) Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations	2004
101 (LV) Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees	2004
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103 (LVI) Provision on International Protection Including Through Complementary Forms of Protection	2005
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105 (LVII) Women and Girls at Risk	2006
106 (LVII) Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons	2006
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108 (LIX) General Conclusion on International Protection	2008