

**Global Consultations:
The search for protection-based solutions
Protection of refugee women and refugee children
(22-24 May 2002)**

Chairman's Summary¹

In opening the fourth and final meeting of the third track of the Global Consultations, the Chairman welcomed the presence of delegations from many regions, in line with the truly global nature of these consultations. He recalled that the earlier third track consultations in 2001 had been characterised by a willingness to reach a convergence of views, even on subjects that did not lend themselves easily to complete consensus. This willingness had made it possible to identify a series of follow-up actions that would form the basis of the Agenda for Protection, bringing together the various parts of these Global Consultations. The Chairman encouraged all delegations to continue to manifest the same positive spirit in the discussions in the days ahead, and recalled his wish for "sociability, sincerity and substance" to guide the meeting. He undertook to try to enhance the exchanges by reducing formality and promoting interactive participation as much as possible, in line with the pattern set by his predecessor, Mr. Haiko Alfeld.

I. THE SEARCH FOR PROTECTION-BASED SOLUTIONS

a) Voluntary repatriation (EC/GC/02/5)

The first topic discussed under the protection-based item was **voluntary repatriation**, which gave rise to a very rich debate with the participation of 28 delegations. Some shared information concerning their own experiences as hosting countries or countries of return, reflecting on what could be learned from the varying challenges they posed. There was also an interesting discussion of aspects covered in UNHCR's background document, notably the concept of safety in the context of voluntary repatriation; in particular legal safety (including the issue of property restitution) and the broader issue of protracted refugee situations.

There was broad consensus on a number of general considerations relating to voluntary repatriation. The most important were as follows:

- Recognition of voluntary repatriation as the durable solution sought by the largest numbers of refugees and the need for a comprehensive strategy;
- The right to return and the responsibility of countries of origin to receive back their nationals, including creating conditions conducive to return. Mention was made, in this context, of the need to tackle root causes;
- An acknowledgement of the complexities and challenges involved in making this both a feasible and a sustainable solution;
- The importance of partnerships between States, the international community at large, humanitarian and development agencies, not forgetting the essential role played by NGOs;
- Resource issues, notably in the context of the transition from humanitarian to development aid. This also includes hand-over and exit strategies on the part of UNHCR.

Many delegations also insisted on the voluntary nature of return, based on an informed choice, but some delegations pointed out that return could not always take place in optimal conditions.

The approach outlined in UNHCR's paper was supported as representing a good balance. There was general support for various aspects of UNHCR's role as identified in the paper, although some diverging views were expressed concerning the extent of its involvement at the reintegration stage and the need for effective transition mechanisms. UNHCR's possible contribution towards creating a climate conducive to reconciliation was also discussed.

¹ A more extensive record of discussion will be made available in the report of the meeting

The following points were recommended for action:

1. UNHCR was encouraged to undertake an overview of all protracted situations, to come up with action plans for each of these situations, and to approach States willing to offer assistance in this regard;
2. Countries of origin are encouraged to identify obstacles to return and to take serious measures to remove them (including in particular property issues);
3. The elaboration of an ExCom Conclusion addressing legal safety issues including property concerns, should be pursued, as a complement to the existing Conclusion (No. 40) on voluntary repatriation;
4. Updating of UNHCR's 1996 Manual on Voluntary Repatriation. This should include a clearer focus on translating guidelines and policy into concrete action and include guidance on planning, monitoring and indicators for implementation. It should also give due attention to a more gender and age-sensitive approach;
5. States will be kept apprised of issues on the agenda of the joint UNHCR/IOM Action Group on Asylum and Migration Issues (AGAMI);
6. Finally, the experience gained with respect to protection issues emerging from the current major repatriation operation of Afghan refugees could be useful in the context of lessons learned.

b) Resettlement (EC/GC/02/7 & EC/GC/02/4)

On the topic of **resettlement** – there were 20 interventions, confirming general support for resettlement as a vital tool for protection, as a durable solution, and as an instrument of international solidarity and responsibility and burden-sharing. Support for this option as an important element of protection and UNHCR's work had not waned despite security concerns since 11 September.

There was acknowledgement of a number of current constraints to the effective implementation of resettlement as a key protection tool, such as:

- Demand outruns supply – there are not enough places available through current resettlement countries' quotas and sometimes places remain unfilled because of a lack of harmonized criteria;
- Resettlement is a costly solution and can detract resources from dealing with problems at root in country of origin;
- There is a lack of financial and human resources for coordinated, resettlement casework and processing;
- Confusion caused by migration/resettlement nexus;
- Public reaction towards refugees which tends to validate the use of integration potential criteria;
- The potential for malfeasance, abuse or fraud.

Seven main recommendations were noted as areas to be pursued/developed further:

1. Encourage an increase in quotas and expand the pool of current resettlement countries;
2. Develop the capacity of new resettlement countries (especially in regions of origin) via 'package-deal' support measures with commitment from the international community through UNHCR to bear joint responsibility for successful integration of resettled refugees;
3. Develop an international strategic approach to avoid 'lost' resettlement places;
4. Streamline processing of applications with the focus on protection needs as opposed to integration potential. Possible means included the suggested establishment of a central biometric registration system;

5. Avoid confusion between resettlement and migration through clearer resettlement processing criteria;
6. Focus on early registration analysis to prepare and anticipate needs of specific groups and keep asylum countries informed regarding likelihood of solutions/and awareness of particular protection needs – however avoid making choice of resettlement too early – balance this with possibility of emergency evacuation when required;
7. Ensure that adequate resources are allocated to supporting resettlement needs from UNHCR's regular budget.

c) Local integration (EC/GC/02/6)

The last topic under the protection-based solutions item – **local integration** – sparked off a lively debate. Two UNHCR staff members gave a useful presentation, setting this item in its historical perspective and drawing attention to the complexities it presents. A number of delegations, notably Zambia, Uganda and Cote d'Ivoire shared specific examples of policies and initiatives in their respective countries.

In the course of the discussions, many delegations referred to:

- The dangers of protracted confinement in camps over extended periods of time; the risks of dependence that this engendered not forgetting the damaging loss of self-esteem;
- The extreme difficulties faced by developing countries hosting refugees in terms of economic, social and environmental costs; the threats to local and national security and their feeling of abandonment by the international community as support diminished year by year, with no durable solution in sight;
- There was strong interest in the notion of self-reliance, as distinct from local settlement, and as precursor to any of the three durable solutions; the advantages it could bring not only for the refugee themselves, but in terms of skills, for their country of origin if return subsequently took place;
- A number of interventions also focused on the need for a more pronounced rights-based approach to local integration and self-reliance.

A few delegations, however, took the view that more consideration needs to be given to the perspective of the host country. They insisted on:

- The interest of States to safeguard their own citizens, especially in the case of competing demands on meagre resources;
- The need to obtain international support and funding.

Many of the general conclusions reached under the previous items were also found relevant, notably the need to address root causes; to incorporate local integration as a solution into a comprehensive strategy; to encourage effective burden-sharing; and for UNHCR to act as a catalyst in soliciting the full involvement of other partners including development agencies.

Among the recommendations for follow-up action, the following were noted:

1. To support new initiatives and those already underway at bilateral and multilateral level which include the promotion of self-reliance of refugees;
2. To build further on the steps and measures recommended at the African ministerial consultations convened by UNHCR in December 2001;
3. To envisage the elaboration of an ExCom conclusion on the subject of local integration.

II. PROTECTION OF REFUGEE WOMEN

21 delegations took the floor to participate in discussions on **protection concerns related to refugee women**. These encompassed both the plenary debate and a panel discussion, which included a number of interesting presentations on: partnerships; safety and security and equal access to assistance; women's leadership, participation and decision-making; and the application of law and policy in a gender-sensitive way. The plenary discussions picked up on a number of these issues, but also gave importance to vital concerns about the development of gender-sensitive registration and documentation, and the complex problems of trafficking in women and girls.

The panel discussions were intended to enrich the Global Consultations process and indeed provided food for thought - not least through the reminder from the Ambassador for Norway that "every UNHCR staff member is a protection officer....". A number of other delegations echoed this call to responsibility, affirming that all partners involved – UNHCR, States and NGOs - have a responsibility to ensure international protection for refugee women. These responsibilities will need to be clearly allocated to guarantee appropriate action.

The main messages, drawn from the questions and discussions that followed, indicated that today it is much clearer where the problems lie. The years of work already undertaken have provided a thorough range of rules and policy guidelines. However, there is still a gap in practical application and implementation of these, which needs to be addressed as a priority for international protection work – particularly for women, who constitute 51 per cent of the persons of concern to UNHCR. In this respect, emphasis was put on the need for a two-pronged approach: targeted action and gender-equality mainstreaming. The constraints to this implementation were identified as having been mainly due to a lack of:

- resources –material and human – available for field protection work
- skilled and trained personnel, who can in turn train other partners
- commitment and political will from the international community.

Despite the understandable focus on "bad news", such as the West Africa situation, the Director of DIP pointed out that there are also many positive instances of practical achievements – notably in the current implementation of protection and rehabilitation activities for Afghan women returnees, and in training events and development of practical field-support manuals. She also confirmed that the Agenda for Protection would indeed incorporate these concerns in the forthcoming implementation of the recommendations and lessons-learned identified in the course of the Global Consultations process.

The following broad recommendations noted from the discussions reflect the general direction of the action that lies ahead:

1. For States that have not already done so, move to applying refugee law and asylum procedures in a gender-sensitive manner. Obviously this also concerns trafficked women who seek asylum.
2. Emphasize the importance of preventing and responding to sexual and gender-based violence, including working with men, and using a multi-sectoral approach.
3. Ensure full implementation of the various guidelines and policies, and review in this context the recommendations made in the US/Canada-sponsored assessment.
4. Strengthen the office of the Senior Coordinator and allocate the necessary funding to support UNHCR's human resources – in particular in leadership functions and through appropriate training – in order to respond to women's protection issues with greater impact. This should include both protection functions and community services support.
5. Review and if necessary redirect and re-prioritize funds and resources to support the implementation of gender-based protection activities.

6. Generate increased commitment from States to support and carry through implementation of recommended action.

III. PROTECTION OF REFUGEE CHILDREN

The subject of the **protection of refugee children**, the last on the agenda of the meeting, was preceded by a panel with UNICEF and the Save the Children Alliance as key partners, as well as with the leader of the team which prepared the evaluation of refugee children. This event also included the participation of a refugee adolescent from Bhutan, who asked to be given hope for a decent future, pleading with delegations that her appeal should be heard.

A number of themes emerged from the discussions under this agenda item. They included the following:

- Wide recognition that relevant standards and guidelines on the protection of refugee children are available: the problem lies in their lack of implementation on the ground;
- Grave concern and unanimous condemnation of sexual exploitation of refugee children, as alleged in the recent joint mission report on West Africa undertaken by UNHCR and Save the Children (UK);
- Approval of a rights-based approach and general agreement that the concept of protection not only encompassed legal, but also social and physical aspects;
- Support for the active participation of refugee children, notably adolescents in identifying protection priorities and programme design;
- General agreement that unaccompanied and separated children are particularly vulnerable to sexual exploitation and abuse, detention, child labour, military recruitment and denial of access to education and basis assistance;
- Wide acknowledgement of the important role of education as a tool of protection;
- General agreement on the importance of registration and documentation.

In terms of follow-up, the following recommendations were identified:

1. Unequivocal and prompt action on the issue of alleged sexual exploitation, including sanctions of any perpetrators and preventive measures to avoid recurrence in West Africa and elsewhere; strong support in this context for the work of the Inter-Agency Task Force on Protection from Sexual Abuse and Exploitation in Humanitarian Crises;
2. UNHCR was urged to follow-up on the recommendations of the evaluation on refugee children, with an implementation plan giving clear timelines, specific steps and indications of human and financial resource needs;
3. Refugee children issues, including that of the trafficking of children, must be reflected in all relevant topics in the drafting of the Agenda for Protection;
4. States not yet signatories of the Convention on the Rights of the Child and its two Optional Protocols should be encouraged to consider signing and ratifying these instruments;
5. UNHCR should cooperate more closely with UNICEF, including updating its MOU. UNICEF was also requested to assume a more active role in refugee children's education.

IV. CONCLUDING OBSERVATIONS

In drawing the Global Consultations to a close, the Chairman recalled that the goal set by UNHCR in launching this process of consultative meetings was to revitalize the international protection regime. He believed that this had indeed been achieved. In the course of the various meetings, a wide range of protection issues had been covered, permitting the identification of gaps and areas for improvement. The next step would be to consolidate the conclusions drawn in the Agenda for Protection, which would be on the agenda of the Standing Committee at the end of June 2002.

The Chairman thanked the delegations for having responded to his request to respect the "3-S" goals by demonstrating a spirit of collaboration and cooperation (i.e. "sociability") in order to work together and make progress on a number of complex and difficult issues (i.e. the "substance"). The agenda had been

a full one, and completing it on time had been largely due to the spirit of “sincerity” reflected in the respect for timeliness and intervention time limits shown by the delegations. He also acknowledged the work of UNHCR staff from the Division of International Protection, the Senior Coordinators for Refugee Women and for Refugee Children, the Secretary of the Executive Committee and her team and all other colleagues who shared in preparing the papers and organising the smooth running of the meetings.