

GLOBAL CONSULTATIONS ON INTERNATIONAL PROTECTION:
REPORT OF THE FOURTH MEETING IN THE THIRD TRACK
(22-24 May 2002)

I. INTRODUCTION

1. The Rapporteur of the Executive Committee, Mr. Hajime Kishimori (Japan), chaired the meeting. In brief opening remarks, he welcomed the Assistant United Nations High Commissioner for Refugees and the Director of UNHCR's Department of International Protection (DIP). The Chairman encouraged delegations to be inter-active and innovative in their interventions. One delegation raised the question of an appropriate framework to follow up on the Agenda for Protection and made some suggestions on a possible ad hoc forum. Following consultations with the Chairman, the Director of DIP suggested that this proposal be discussed at the twenty-fourth meeting of the Standing Committee in June 2002, at which the Agenda for Protection would be examined in detail.

II. ADOPTION OF THE AGENDA

2. The agenda (EC/GC/02/1) was adopted.

III. ADOPTION OF THE DRAFT REPORT OF THE THIRD MEETING

3. The Chairman presented for approval the draft report of the third meeting in the third track of the Global Consultations (EC/GC/02/2). The report was adopted.

IV. THE SEARCH FOR PROTECTION-BASED SOLUTIONS

4. The Assistant High Commissioner delivered a brief welcoming address in which he stressed that UNHCR counts on the support of all delegations, not only to bring the Global Consultations process to a successful conclusion, but also to ensure that UNHCR has the resources and, equally important, their commitment to implement the AFP fully in the coming years.

5. The Director of DIP made preliminary remarks on all topics under consideration. Regarding durable solutions, she conveyed UNHCR's concern about the protracted nature of a number of refugee situations and the need to have a more coherent approach to the search for durable solutions that integrates voluntary repatriation, local integration and resettlement more directly. The background documentation, *inter alia*, calls for renewed importance to be given to local integration as a component of any comprehensive durable solutions strategy. It also seeks to

* Adopted at the 24th meeting of the Standing Committee on 25 June 2002.

promote self-reliance, whatever the durable solution may ultimately be, as being in the interest of all concerned. Regarding the protection of refugee women and refugee children, the Director observed that their problems do not suffer from a dearth of written analysis or guidelines. Instead, the protection of refugee women and children has suffered from a lack of capacity to implement the relevant guidelines and, to some extent, from an uneven commitment on the part of all actors to translate the theory into practice at all stages of the response to the cycle of displacement. She encouraged delegations to comment on the many recommendations for action contained in the respective notes, with a view to rounding out the Agenda for Protection.

A. Voluntary Repatriation

6. The Chief of DIP's Protection Policy and Legal Advice Section (PPLA) introduced the background note on voluntary repatriation (EC/GC/02/5), noting that it was the first time in many years that UNHCR had submitted a comprehensive note on this durable solution. He pointed out that the note broke new ground in three areas and encouraged delegations to focus on these in their interventions. Firstly, it elucidates the meaning of the "safety" element of the concept of "return in safety and with dignity", by describing its core components (physical safety, legal safety and material safety) and UNHCR's role in relation to each. Secondly, on the specific component of *legal safety*, Annex II of the note contains a brief compilation of recommendations for addressing property-related issues in the context of return, which might also serve as a blueprint for the development of analogous standards in other legal domains (such as amnesties and documentation). He requested delegations to consider whether an Executive Committee (ExCom) Conclusion might usefully address the different legal safety issues, while complementing ExCom Conclusion No. 40 (XXXVI) of 1985. Thirdly, the note recalls that there are a number of forgotten and protracted refugee situations. He suggested that UNHCR could play a more active, catalytic role in order to seize opportunities for voluntary repatriation, in line with the initiative launched by the Africa Bureau in December 2001, during its informal consultations with African Ministers. In addition, he encouraged delegations to outline what more could be done to generate the political will necessary to unlock some of these situations.

7. There was broad support for the tenor, principles and recommendations of the background note. Many delegations repeatedly emphasized the importance of ensuring the voluntarily nature of repatriation and the corresponding duty of countries of origin to create conditions conducive to the return and reintegration of former refugees. Mention was made, in this context, of the need to tackle root causes. A number of delegations also observed that repatriation benefits countries of origin in the form of human resources, who can contribute valuable intellectual, cultural, economic, political and social capacities to their home countries. Attention was drawn to UNHCR's role in providing timely and objective information on conditions in the home country (to enable a free and informed choice); in verifying the voluntary nature of any movement; and in monitoring safety following return. Conditions that must be met in order for repatriation to be truly voluntary included: disassociating repatriation from political considerations; giving access to full and objective information on conditions in the country of origin; ensuring freedom from physical or psychological pressure – including avoiding reductions of assistance in the host country; and achieving real, meaningful and sustained change in the countries of origin, so as to permit return in safety and dignity. One delegation observed, however, that the note should have commented on the role of the International Organization for Migration (IOM) and inter-action between UNHCR and IOM on voluntary repatriation. Another delegation regretted that the note had not dealt with the issue of the return of persons found not to be in need of international protection.

8. While insisting on the voluntary nature of repatriation, some delegations considered that repatriation could not always take place in optimal conditions. One delegation insisted that repatriation movements that are less than voluntary may, in fact, amount to a violation of the principle of *non-refoulement*. A number of delegations pointed out that premature movements could

further exacerbate difficult conditions in the country of origin. One delegation affirmed that the requirement of “voluntariness” should not serve as an excuse for refugees to remain longer or permanently in the host country, once the prevailing situation in the country of origin had returned to normal. Another delegation cautioned that voluntary repatriation of some or even large numbers of refugees should not automatically lead to a general cessation of refugee status. In this regard, a number of delegations stressed that refugees who continue to have a well-founded fear of persecution, despite changes in the country of origin, should continue to receive international protection and benefit from other durable solutions, such as local integration or resettlement.

9. Most delegations observed that, even if there is no formal hierarchy of durable solutions, voluntary repatriation is the solution sought by the largest numbers of refugees and should therefore be preferred. Others stressed that, even if voluntary repatriation is the preferred solution for most refugees, access to resettlement and local integration, particularly in protracted situations, should be made available as part of a comprehensive durable solutions strategy. In this regard, one delegation encouraged UNHCR to compile statistical data on the repatriation of refugees who had enjoyed one of the other two durable solutions, to assist in evaluating the benefits of a holistic and non-hierarchical approach to durable solutions. A number of delegations acknowledged the challenges and complexities involved in making voluntary repatriation both feasible and sustainable.

10. A number of delegations observed that UNHCR plays an important role in ensuring that peace processes take due account of the right to return, while also fulfilling a catalytic role, in cooperation with partners, in assisting countries of origin to create an environment conducive to repatriation. Regarding planning for repatriation, many delegations stressed the need to give refugees, especially refugee women, an active voice in planning for both repatriation and reintegration-related activities. It was also recommended that such planning take due account of the needs of the most vulnerable, including unaccompanied and separated children, the disabled, the elderly, as well as single-headed households.

11. There was general support for various aspects of UNHCR’s role in repatriation operations, as described in the paper. Delegations attached importance to UNHCR working with countries of asylum and origin to set in place an acceptable framework for voluntary repatriation, although views differed concerning the extent of its involvement in the reintegration phase. Some delegations felt that UNHCR’s involvement in a number of reintegration activities, notably shelter and reconciliation, goes beyond its core mandate. They therefore stressed the importance of partnerships amongst UNHCR, States, development partners, NGOs and the international community at large, to address more effectively the transition from humanitarian aid to development cooperation. These delegations therefore encouraged UNHCR to play a catalytic role, while developing hand-over and exit strategies, particularly in light of the Office’s resource constraints and the comparative advantages and respective mandates of other partners. One delegation observed that the involvement of military organizations in humanitarian operations should be limited to fostering security for the returnees and civilian population.

12. Stressing the importance of burden and responsibility-sharing, a number of delegations called for generous international support to rehabilitate refugee-impacted areas in host countries, and to spearhead a community-based approach to rehabilitation assistance in communities affected by return (encompassing returnees, internally displaced persons (IDPs), as well as the local communities). Programmes to re-build basic economic and social infrastructure and to support national institutions, local NGOs and civil society structures, not only boost employment opportunities and increase absorption capacity in returnee areas, but are also necessary for reintegration and beneficial for reconciliation.

13. A number of delegations also focused on some of the issues covered in UNHCR’s background note, notably the concept of safety in the context of voluntary repatriation – particularly “legal safety” (including the issue of property restitution) - and the broader issue of

protracted refugee situations. While most delegations supported the safety concept described in the note (defined as a combination of physical, legal and material safety), one delegation observed that many conditions can only be met gradually and that all of them need not necessarily be met as a pre-condition to voluntary repatriation. Another delegation considered that enjoyment of property rights could not be made a formal prerequisite for voluntary repatriation. A different delegation concurred with the note that such conditions must be in place in order to *promote* voluntary repatriation; otherwise, voluntary repatriation can only be *facilitated*. There was broad support for UNHCR's suggestion that ExCom give more detailed consideration to legal safety, including property-related issues in the context of repatriation, and for the standards relating to property set out in the note (See Annex II of EC/GC/02/5). One delegation, however, considered these to be too detailed, whereas another proposed that the issue of compensation in case of non-return or loss of property be added, since restitution would not be feasible in all circumstances.

14. On the issue of protracted refugee situations, most delegations stressed that refugees should not be left to languish for long periods in refugee camps, awaiting voluntary repatriation with no hope of access to other durable solutions. In this regard, it was emphasized that international support to host States should not decline over time. Many delegations also agreed that refugees should at least have opportunities for building self-reliance in cases where a satisfactory durable solution was not immediately in sight. They valued self-reliance strategies in host countries as a means to lay the ground for durable solutions – particularly voluntary repatriation – and encouraged host countries and the international community to provide an enabling environment, including adequate resources. One delegation stressed that early and effective responses to mass influxes might help to prevent such situations from becoming protracted. Another delegation observed that protracted refugee situations have a high cost for the individuals concerned and contribute to secondary movements. A number of delegations encouraged UNHCR to complete a survey of all protracted refugee situations in the world, with a view to developing an action plan for their resolution. UNHCR was also encouraged to work together with all interested parties to propose "package deals", involving various kinds of burden-sharing arrangements and all three types of durable solutions, wherever appropriate.

15. There was broad support for UNHCR's plan to update its 1996 *Handbook on Voluntary Repatriation*. One delegation suggested that voluntary repatriation was one area where further legal standard setting might be needed to fill gaps in the 1951 Convention framework. Another delegation suggested that, in updating its operational framework on reintegration, UNHCR should prepare a short paper on the key lessons that had emerged from its field-testing. One delegation also encouraged UNHCR to develop measures for monitoring voluntary repatriation operations, based on models from previous repatriation operations. In this regard, a number of delegations expressed the hope that UNHCR would evaluate the experience gained in Afghanistan and draw lessons from the operation.

B. Resettlement

16. The Chief of DIP's Resettlement and Special Cases Section introduced the background note (EC/GC/02/7), briefly describing the complementary benefits of resettlement and highlighting, in particular, the need for an expansion in the number of resettlement places and an increase in the number of resettlement countries. She observed that there are more refugees in need of resettlement today than there are available places or resources. As outlined in the note, resettlement is no longer the solution of last resort, but rather comes into play to meet the requirements of refugees with particular protection needs and can be an effective durable solution where both voluntary repatriation and local integration are unavailable. The Chief described steps being taken by UNHCR to address the issues of limited resources and staff, as well as to improve field-level management (in particular to combat fraud). She also highlighted the difficulty of resettling refugees of certain nationalities, especially in the post-September 11 security

environment, as well as the need to provide access to resettlement opportunities for *prima facie* refugees.

17. The Ambassador of Norway, as host to the Nordic Regional Resettlement Meeting ¹, presented the report and conclusions of the meeting ², referring in particular to the recommendation to expand resettlement, in order to ensure that it can operate as both a protection and durable solutions tool. He also recommended that resettlement remain a protection tool, and that its use as a migration mechanism be discouraged. The Chairman of the Working Group on Resettlement briefly summarized a meeting of the Group held in Geneva, on 21 March 2002, as follow-up to the first Global Consultations third track meeting on mass influx situations. Part of this meeting looked at the question of more harmonized criteria and flexibility in the application of resettlement in such situations. He reported that the meeting had focused not only on the resettlement selection process, but also on activities before and after resettlement processing, in order to improve its overall efficiency. On the question of flexibility, he noted that, whereas many countries already have the legal capacity to accept persons with protection needs, without necessarily fulfilling full refugee status criteria, other countries have legal restrictions. Identifying specific groups or locally specific criteria was considered possible and, if this was achieved, streamlined documentation could be instituted to process those identified cases.

18. All delegations supported the call to increase the number of resettlement countries, noting the increasing gap between resettlement demand and supply. Some delegations felt that offering solutions within affected regions would be beneficial and gave encouragement to the emerging resettlement countries in Africa and Latin America. Several traditional resettlement countries offered their assistance to these countries to build capacity. Other delegations encouraged those with sufficient levels of resources and adequate infrastructure to become engaged in resettlement, such as members of the European Union and the G8 States. One State announced its intention to institute a resettlement programme. Several delegations advocated for a lack of local integration prospects to be taken into account as an important part of any new resettlement quotas.

19. There were many calls for resettlement to be seen as part of comprehensive protection strategies, and as complementary to the other durable solutions. This should include working to relieve pressures on States hosting large numbers of refugees. One delegation cautioned, however, that resettlement must not be seen as an alternative to establishing the conditions for voluntary repatriation but as a complement to the other two durable solutions. A few delegations considered that resettlement was not an appropriate response during the initial stages of a mass influx or emerging refugee situations. Rather, they argued that it should come into play once the refugee situation has stabilized. A number of States encouraged UNHCR to inform asylum countries of the role of resettlement in a particular situation and to alert them to potential resettlement needs.

20. Many delegations viewed resettlement as tangible evidence of international solidarity and an effective means of burden-sharing with countries of first asylum. In particular, there were several specific requests for an increase in the number of places to be made available for refugees who are not able to return home voluntarily. One delegation also encouraged States to make available resettlement places to find solutions for residual refugee groups remaining after large-scale voluntary repatriation.

21. Several delegations appealed to resettlement countries to eliminate the perceived double standard, whereby these countries apply strict criteria for selection of resettlement cases whereas many refugee-hosting countries have no choice but to receive *prima facie* refugees, who remain for protracted periods. Another delegation considered that perceived restrictive criteria for resettlement forced refugees to search for solutions elsewhere, contributing to secondary movements. The

¹ Oslo, 6–7 November 2001

² EC/GC/02/4

background note also highlighted the link between unequal access to resettlement within regions and secondary movements. A number of delegations also strongly denounced the so-called “pick-and-choose” approach to resettlement (otherwise known as selection of cases on the basis of integration potential), although this approach has been on the decline in recent years. In response, some resettlement countries refuted that they had been engaging in such practices. One delegation felt that a focus on integration potential might be necessary to maintain public support for resettlement programmes, and another felt it was legitimate to take this factor into account, among others.

22. Many delegations welcomed UNHCR’s efforts to develop mechanisms to minimize the risks of fraud in resettlement processing and improve management controls. A number of delegations also encouraged accelerated and streamlined resettlement processing, while stressing that the 1951 Convention’s exclusion clauses (Article 1 F) needed to be applied, when necessary. Many delegations highlighted the value of early and effective registration to identify protection needs and potential candidates for resettlement cases. Some also called for more harmonized procedures. A number of delegations also encouraged UNHCR to allocate resources from its Annual Programme Budget to resettlement activities. One delegation observed that the under-filling of resettlement places could be corrected if States, UNHCR and NGOs worked together to identify and address inefficiencies in the system. Several delegations looked forward to the completion of the *Handbook on Reception and Integration*, which is intended to help States improve their integration programmes for resettled refugees.

C. Local Integration

23. The Head of UNHCR’s Evaluation and Policy Analysis Unit introduced the background note on local integration (EC/GC/02/6), jointly prepared with DIP, recalling that the international regime for refugee protection developed in 1951 recognized the potential for refugee situations to be resolved by means of local integration. In practice, however, this solution has been relatively neglected. The background note therefore stressed that a comprehensive durable solutions strategy, which recognizes the value of local integration and self-reliance, had the greatest likelihood of success. The Director of UNHCR’s Regional Bureau for Africa reported on the informal ministerial-level consultations on “New Approaches and Partnerships for Protection and Solutions for Africa” (Geneva, 14 December 2001). The consultations, *inter alia*, had drawn attention to protracted refugee situations in Africa and sought to revive initiatives for local integration; a policy which had formerly been a tradition on the African continent.

24. Many delegations welcomed the renewed attention being given to local integration as a durable solution, as well as the strategy of refugee self-reliance. On the latter, most delegations underlined the importance of self-reliance as a precursor to any of the three durable solutions. Several delegations recognized that the pursuit of a self-reliance strategies for refugees did not preclude voluntary repatriation. Some delegations stressed that, on the contrary, self-reliant refugees would be better equipped to return to and reintegrate in their countries of origin, when conditions permitted. A number also referred to the importance of self-reliance for the self-esteem of refugees, and many delegations underlined the negative impact of protracted stays in camp settings, including the fostering of dependency, insecurity and increased protection problems. To pursue self-reliance strategies effectively, the need to involve refugees and host communities in planning and programme design, and to address the specific circumstances of refugee women and children, was recalled repeatedly. There was strong support for building further on the steps and measures recommended by UNHCR during the December 2001 informal consultations with African ministers. One delegation particularly welcomed the proposed inventory of best practices for self-reliance strategies.

25. Many delegations confirmed that local integration was indeed a component of their refugee policies, underlining that it was a *process* involving the refugees as well as the host country community, entailing both responsibilities and obligations on the part of the host country and the refugees. Delegations from a number of developing host countries described their own approaches, including new initiatives, to local integration, focusing on poverty-reduction, infrastructure development and rehabilitation of refugee-hosting areas. These integrated approaches benefited refugees as well as the local communities – an important aspect stressed by many – thereby reducing competition for limited resources and fostering peaceful co-existence between refugees and local communities. Many delegations stressed the need for a development-oriented approach, close partnership and cooperation with development partners and, in particular, NGOs. Many also stressed the importance of UNHCR acting as a catalyst in this regard. One delegation recalled that the 1951 Convention was premised on local integration and another reminded the gathering of the obligation of signatory states to ensure that refugees can enjoy fully the rights associated with their status under the 1951 Convention/1967 Protocol.

26. Two delegations expressed concern that the background note did not sufficiently reflect the perspective of developing host countries, particularly those coping with situations of mass influx or protracted refugee situations. They underlined that parameters, such as the willingness of host countries to allow local integration, the numbers and profiles of the refugees and the socio-economic situation of the host country (including labour markets), all needed to be considered before determining whether local integration was, indeed, a solution to be pursued. Another delegation suggested that the note could have benefited from an analysis of prior experiences with this solution and the lessons learned. Two delegations also suggested that local integration would be inappropriate during the early stages of a refugee situation, since it might create a pull-factor. Other delegations suggested, however, that conditions militating in favour of integration included the persistence of protection needs, lack of prospects for return, the level of socio-economic integration already attained, links to the host country, as well as the skills of refugees.

27. Most delegations observed that the realization of local integration and self-reliance would hinge on active and, above all, sustained international support, in a spirit of international solidarity and responsibility-sharing. Overall, there was broad endorsement of the tenor of the note, including the definitions it contained and the concept of a *comprehensive durable solutions strategy* wherein local integration and self-reliance have their proper place. One delegation also proposed the formulation of an ExCom conclusion on the subject of local integration.

28. At the close of this agenda item, the Chairman provided a summary of main themes and recommendations for follow-up that had emerged from the discussions.

V. PROTECTION OF REFUGEE WOMEN AND REFUGEE CHILDREN

A. Refugee Women

29. The proceedings included a panel discussion on “Making Principles a Reality”. It provided valuable specialist perspectives on: partnerships with refugee women; women’s leadership, participation and decision-making; issues relating to safety and security, equal access to humanitarian assistance and essential services, and registration and documentation; and the need for gender-sensitive application of refugee law and procedures.

30. The Chief of DIP’s PPLA introduced the background note on refugee women (EC/GC/02/8), noting that efforts had been made throughout the Global Consultations process to mainstream issues related to the protection of refugee women and gender equality. The note, jointly produced by DIP and the Senior Coordinator for Refugee Women and Gender Equality, summarized the key concerns of refugee women in five main areas: 1) safety and security; 2) equal access to

humanitarian assistance and essential services; 3) registration and documentation; 4) gender-sensitive application of refugee law and procedures; and 5) trafficking in refugee women and girls. He announced that UNHCR had recently issued two new guidelines on international protection, focusing on interpretation of the refugee definition contained in Article 1 A (2) of the 1951 Convention, of special relevance to women.³

31. The Senior Coordinator for Refugee Women and Gender Equality added that, even in displacement, refugee women are not innately vulnerable to violence, but inappropriate responses, which ignore their specific needs and capacities, make them so. UNHCR, States and all other actors must therefore ensure that gender-sensitive prevention and response mechanisms are an integral part of all refugee programmes, and that the latter incorporate a gender-equality perspective from the very outset. A two-pronged strategy would be required to bridge the gap between policies and implementation: targeted and consistent support, combined with a gender equality approach. This requires using a multi-sectoral approach, improving coordination among all partners, and encouraging equitable participation of refugee women in all decision-making, leadership and representation mechanisms.

32. Most delegations stressed the imperative to address refugee women's concerns, since this group represents over half of the beneficiaries of UNHCR programmes. Many delegations recalled that equality between men and women is recognized as a fundamental right, implying that action on behalf of refugee women needs to be rooted in international human rights standards, particularly the Convention on the Elimination of all Forms of Discrimination against Women. Many delegations also insisted that the protection of refugee women should go beyond *legal* protection, and encompass addressing physical security concerns, such as protection against sexual and gender-based violence. In this context, several delegations referred to reported instances of sexual exploitation in refugee programmes in West Africa, and insisted on a policy of zero tolerance with regard to sexual exploitation of both women and girls and the accountability of all humanitarian staff.

33. A number of delegations concurred with the assertion in UNHCR's background note, echoed in the panel and the introductory remarks, that the protection of refugee women requires a two-pronged approach: gender equality mainstreaming and targeted, specific action. Many delegations laid particular emphasis on the need to ensure women's access to information on an equal basis with men, to promote and enhance their active participation, and to improve their skills and capacities through adequate training and capacity building. Several delegations also stressed that men need to be involved in promoting and enhancing the enjoyment of refugee women's fundamental rights. Many delegations deemed the High Commissioner's five commitments to refugee women to be highly valuable, but affirmed the need for prompt and continued follow-up on implementation. The Senior Coordinator informed delegations that all Directors had reacted to the High Commissioner's request for information on implementation of the commitments and had been seeking feedback from offices in the field on their implementation. A report would be made available in June 2002, in the context of the High Commissioner's awards to individuals or groups to recognize achievements in promoting refugee women's rights and gender equality.

34. On the issue of gender-sensitive interpretation and implementation of refugee law and asylum procedures, many delegations emphasized that women should be allowed to lodge their own applications and recommended that more recognition be given to gender-specific grounds in assessing claims for refugee status. Most delegations also supported the recommendations relating

³ *Gender-Related Persecution within the Context of Article 1 A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* (HCR/GIP/02/01) (7 May 2002) and *"Membership of a Particular Social Group" within the Context of Article 1 A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* (HCR/GIP/02/02) (7 May 2002).

to registration and documentation of refugee women and recalled that States had endorsed them on a number of occasions in the past. Several delegations felt that registration was an area that had lacked sufficient attention and would require renewed commitment on the part of States and UNHCR.

35. On the growing phenomenon of trafficking, many delegations concurred that trafficked women and girls should have access to asylum procedures were they to wish to lodge an application, but some cautioned that being a victim of trafficking would not be, in itself, sufficient grounds for the grant of refugee status. A number of delegations observed that victims of trafficking might be granted humanitarian status, if they were deemed not to fall within the 1951 Convention refugee definition. Many delegations felt that more could be done to address the special vulnerability of refugee women and girls to trafficking. In response, the Chief of PPLA referred to inter-agency discussions on this issue within a working group focusing on smuggling and trafficking, and announced that UNHCR would issue guidelines on the issue. Two delegations stressed the need to see the issue of trafficking within broader human security and social development frameworks.

36. Regarding equal access of refugee women to humanitarian assistance and essential services, one observer delegation reported that its organization had recently concluded a comprehensive study on "*Women Facing War*", which had recommended, *inter alia*, that women should be directly involved in the planning, evaluation and implementation of aid programmes. Many delegations also emphasized the importance of women's equitable participation, to prevent the recurrence of instances of sexual exploitation. Several delegations observed that the specific needs of women who are deemed particularly vulnerable (pregnant women, single women and girls who head households, polygamous households, disabled women) should be identified and their protection needs addressed as a matter of priority.

37. A number of delegations also referred to the assertion that lack of financial and human resources had constituted a constraint to better implementation of policies and guidelines relating to refugee women. Some delegations cautioned against characterizing this as a major constraint in itself. Rather it was felt that funding decisions, including the reallocation and reprioritization of funds, could go a long way in overcoming this perceived constraint. In this context, several delegations also emphasized the need to recruit and retain more female protection and community services staff in the field, as well as to strengthen the office of the Senior Coordinator, in recognition that much progress remained to be done and that targeted action for refugee women continued to be needed.

38. There was broad recognition that the basic issue is not a need for more policies and guidelines, but instead to redouble efforts to achieve their full implementation. Several delegations stressed the urgency of adopting a more deliberate, systematic and structured approach to implementation, and to give refugee women (as well as children) a much more central focus in programme planning and implementation. A number of States urged UNHCR to establish an operations plan for mainstreaming women's issues, including benchmarks, monitoring and timelines. Many delegations recognized, however, that States have a key responsibility, within the global protection framework, better to address refugee women's protection needs. Others emphasized the importance of stronger partnerships between UNHCR and other key actors, including UNIFEM, UNICEF and OHCHR. Several delegations particularly emphasized the need for UNHCR's senior management to play a leadership role in ensuring and being accountable for full implementation of policies. They also urged UNHCR to review and, as necessary, follow up on the recent evaluation of implementation of UNHCR's policy on refugee women and guidelines on their protection.⁴ Many

⁴ *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation*, Women's Commission for Refugee Women and Children (May 2002).

delegations expressed the hope that refugee women's concerns would be more fully reflected and "mainstreamed" throughout the Agenda for Protection.

B. Refugee Children

39. The proceedings included a panel discussion on refugee children on the theme of "Making Principles a Reality", with representatives from UNICEF and the International Save the Children Alliance, the team leader of a recent independent evaluation of UNHCR's activities for refugee children⁵, and a refugee youth. The panellists emphasized that actions to address children's protection needs were necessarily interrelated and needed to be fully and systematically integrated into programming initiatives from the outset of any emergency. They observed that particular attention needed to be paid to social protection issues, and to ensuring the active participation of children in all stages of protection strategy development and programme design. One panellist described "partnership" to protect refugee children as meaning "sharing responsibilities", including support for the inherent capacity of the refugee community to protect itself.

40. The Deputy Director of DIP introduced the background note on refugee children (EC/GC/02/9), jointly prepared by DIP and the Senior Coordinator for Refugee Children. He observed that, despite the development of a basic legal and policy framework for the protection of refugee children, full implementation remained lacking. This had been confirmed by the recent independent evaluation. Regrettable examples of this gap included the situation in West Africa. The aim of the background paper was to highlight the six most salient issues facing refugee children today: 1) separation; 2) sexual exploitation, abuse and violence; 3) military recruitment; 4) education; 5) detention; and 6) registration and documentation.

41. The Senior Coordinator for Refugee Children focused on progress that had been achieved by UNHCR and its partners since the report submitted two years earlier to the Standing Committee.⁶ Areas of progress included improved statistical data on refugee children/adolescents; invigorated inter-agency efforts to address the concerns of separated children, notably through the Separated Children in Europe Programme; implementation of multi-sectoral prevention and response activities addressing sexual exploitation, abuse and violence; strengthened advocacy against the use of child soldiers in all circumstances; and expansion of the training and capacity-building Action for the Rights of Children initiative, which was also an inter-agency effort.

42. A number of delegations commended UNHCR for initiating the independent evaluation on refugee children. Many concurred with the evaluation's findings that adequate standards and guidelines were available, but that insufficient implementation and lack of accountability had reduced their effectiveness. Several delegations urged UNHCR to follow up on the evaluation's recommendations in a timely manner, and to establish a plan for implementation, including specific steps, timelines, and a clear indication of the human and financial resources required.

43. Many delegations supported UNHCR's rights-based approach to the protection of refugee children. There was, moreover, general agreement that the concept of protection not only encompassed legal aspects, but included social and physical aspects. Furthermore, many delegations considered the active participation of refugee children, notably adolescents, in programme design to be of critical importance. This was in line with the testimony of the refugee youth, who participated both in the panel and the general debate. Several delegations recommended that refugee children's issues be reflected in all relevant chapters of the Agenda for

⁵ *An Independent Evaluation of the Impact of UNHCR's Activities in meeting the Rights and Protection Needs of Refugee Children*, EPAU/2002/02 (May 2002).

⁶ EC/50/SC/CRP.7 of 7 February 2000.

Protection, in addition to the more specific chapter dealing with refugee women and refugee children.

44. Several delegations welcomed the entry into force of the two Optional Protocols to the Convention of the Rights of the Child: on the Sale of Children, Child Prostitution and Child Pornography, as well as on the Involvement of Children in Armed Conflict. A number of other delegations pointed to the protection afforded to refugee children by other human rights instruments and humanitarian law. There was general agreement that unaccompanied and separated refugee children are particularly vulnerable to sexual exploitation and abuse, as well as detention, child labour, military recruitment and denial of access to education and basic assistance. Many delegations also agreed that unaccompanied and separated children should be consulted and their views taken into account whenever decisions affecting them were made. Some delegations, however, voiced concerns with respect to UNHCR's recommendation regarding children whose applications for refugee status had been rejected.⁷ They argued that, in practice, such a policy would not always be practicable, and that it would be appropriate to consider that the government of the country of origin would be the primary caregiver. One delegation also referred to the growing trend for families to send children abroad to create a "migration anchor", and observed that consideration needed to be given to measures to discourage such a practice. Some delegations asserted that, in certain cases, family reunification might not be in the best interest of the child, including in cases where the child had been the victim of sexual violence within the family or in child-soldier situations, where reunification had not proved durable in some cases.

45. Delegations unanimously condemned the alleged sexual exploitation of refugee children in West Africa and urged UNHCR to tackle the issue promptly and effectively, in order to counter impunity and avoid repetition elsewhere. Several delegations welcomed the global measures already taken by UNHCR, and the valuable work of the Inter-Agency Task Force on Protection from Sexual Abuse and Exploitation in Humanitarian Crises. The Director of DIP stressed that UNHCR's senior management took the issue very seriously indeed, and that the High Commissioner had communicated a strong position in this regard to all staff. The Director described actions already being taken in the field, but also pointed out that the legal systems in some countries did not effectively provide for adequate prevention and response. Many delegations pointed to the role refugee communities can play to protect refugee children, and the importance of informing refugees of their rights to protection and their entitlements to assistance. Moreover, a number of delegations referred to underlying special power relationships that might provide fertile ground for exploitation and abuse that would need to be further examined, in order to identify risks of potential exploitation.

46. Delegations widely acknowledged the important role of education as a tool of protection, especially in the early stages of any emergency, that could restore a sense of normality for refugee children. A number of delegations pointed out that particular attention needed to be paid to the specific needs of adolescents and refugee girls, which included non-formal and secondary education opportunities. Furthermore, there was broad recognition that access to education was a critical factor for attaining any durable solution – since it would facilitate reintegration in the country of origin or integration in the host country or country of resettlement. Several delegations encouraged UNICEF to take on a more active role in setting in place or contributing to education programmes for refugee children.

47. On the problem of military recruitment, delegations favoured a holistic approach, including on the related issues of demobilization, reintegration and education. One delegation stressed that the particular needs and experiences of girls (i.e. both as child soldiers and camp followers) should

⁷ See EC/GC/02/9, para. 9. "Rejected child asylum-seekers should only be returned after final determination that they are not in need of international protection, and subject to the identification of an appropriate family member or caregiver in the country of origin, willing to receive and care for the child."

also be taken into consideration. One observer delegation stressed the detrimental impact of detention on the physical and mental health of children and adolescents. There was general agreement on the importance of early registration and documentation. One delegation stressed that documents for refugee girls were particularly important, as they face "double" discrimination in this regard – both for being females and children/adolescents. Another delegation requested an increase in the presence of UNHCR protection staff in the field, as well as the introduction of a standardized registration system.

48. There was broad agreement on a number of issues, notably on the need for the effective implementation of guidelines on refugee children and the reflection of children's protection issues in all programming activities and relevant sections of the AFP. At the same time, there was a strong call to give to refugee children and adolescents a voice in identifying protection priorities and designing appropriate programmes. To complement the existing legal framework, States that have not yet done so were encouraged to accede to the Convention on the Rights of the Child and its two Optional Protocols. There were repeated calls for UNHCR to co-operate more closely and "share responsibilities" more effectively with UNICEF. One delegation suggested that the Memorandum of Understanding between both organizations be updated. A number of delegations identified the trafficking of children as a major concern, which required follow-up.

49. At the end of this item, the Chairman provided a brief oral summary describing some of the key issues and understandings emerging from the discussions on refugee women and refugee children. He recalled that a written summary would be circulated after the meeting.

VI. CLOSING OF MEETING

50. Noting that this would be the last formal meeting in the Global Consultations process, many delegations conveyed their appreciation to UNHCR, and notably to the Director of DIP, for UNHCR's initiative to launch the process and see it through to its completion. Many concurred that the Global Consultations process had indeed contributed to strengthening dialogue on refugee protection and revitalizing the international refugee protection system. Many delegations pledged their commitment to working with UNHCR and other partners on the Agenda for Protection.

51. In closing the meeting, the Chairman thanked delegations for their active participation and useful contributions. He was especially grateful for the spirit of consensus that had prevailed throughout the proceedings and had contributed to the success of the Global Consultations.