



# General Assembly

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## Executive Committee of the Programme of the United Nations High Commissioner for Refugees Sixty-third session

### Summary record of the 662nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 3 October 2012, at 3 p.m.

*Chairperson:* Ms. Arango Olmos (Vice-Chairperson).....(Colombia)

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*The meeting was called to order at 3.10 p.m.*

1. *In the absence of Mr. Knutsson (Sweden), Ms. Arango Olmos (Colombia), Vice-Chairperson took the Chair.*

**General debate** (*continued*)

2. **The Chairperson**, summarizing the general debate, recalled a number of steps taken by the Office of the High Commissioner to adapt to the changing landscape, including cooperative efforts with other United Nations agencies, institutional reforms designed to strengthen management, enhance efficacy and improve accountability, improvements in emergency response capacity and security measures for both UNHCR staff and beneficiaries of humanitarian assistance, together with other initiatives such as a new education strategy for 2012–2016, new detention guidelines and improved access to refugees in urban settings. The primary goals of UNHCR nevertheless remained promoting protection and searching for durable solutions. A number of delegations had reaffirmed the continuing importance of the refugee conventions and the conventions on statelessness. The essential character of partnerships and of cooperation with governments, intergovernmental, non-governmental and regional organizations, the International Red Cross and Red Crescent Societies, the private sector and civil society had also been reiterated. Many delegations had called for the expansion of resettlement opportunities and encouraged UNHCR to consider complementary approaches such as temporary protection. The Office had also been encouraged to seek new donors, especially within the private sector, and to obtain more non-earmarked funding. The institutional reforms undertaken in the areas of accountability and management and the most recent steps taken had also been highly appreciated. Finally, many delegations had described the efforts made by their Governments to improve the situation of refugees and asylum seekers through cooperation with UNHCR, the adoption of new legislation or improvements in the supply of essential services.

**Consideration of reports on the work of the Standing Committee**

**(a) International protection** (A/AC.96/1108, 1109, 1110 and Add.1, 1116 and 1118)

3. **The Chairperson** invited participants to watch a videocast from the Executive Director of UN-Women, Ms. Bachelet, in which she described the difficulties encountered in preventing sexual violence and guaranteeing for women access to justice and to the services they required locally.

4. **Ms. Feller** (Assistant High Commissioner for Protection) said that UNHCR's mission for protection had become complicated in a context marked by a succession of emergencies. Hosting sites were many and dispersed, thus complicating regular protection monitoring. Tensions among the different displaced groups exacerbated security problems, while sociocultural practices hampered interventions, especially for women. Funding shortages meant that the available resources had to be used to save lives, thus limiting efforts to register, document and profile the affected populations. Refugees were most often associated with images of survivors in camps whereas in actual fact, a growing number of them lived in shanty settlements, where they arrived, often illegally, after having crossed several borders and at the risk of their lives. Some States were carrying out highly promising activities as part of new regional strategies concerning mixed migratory flows. However, regional cooperation was not an end in itself; it was necessary to strengthen national asylum systems and to ensure that States more equitably shared the burden and responsibilities of protecting refugees. The resources available for implementing durable solutions in 2013 were clearly insufficient. However, it was accepted that safe, viable and durable return required long-term investment. Host countries understandably called on the

international community better to help them tackle crises and to alleviate some of the costs. Local resettlement remained problematic and as a whole the possibilities of resettlement remained inadequate. UNHCR and the International Labour Organization (ILO) planned to integrate labour mobility schemes into strategies for the displaced. However, without official travel documents, there was no mobility.

5. Forced displacements particularly affected women and girls. The need to combat impunity in respect of sexual and sexist violence had clearly been shown. Despite that, initiatives to bring justice, provide reparation to victims and to prevent recurrences were often talked about but far less acted upon. Forced displacements exposed children to a heightened risk of neglect, exploitation and sexual violence. Nevertheless, more and more unaccompanied children were displaced on several continents. They were the prey of traffickers who moved freely in camps. Asylum systems, which had in most cases been set up for adults, were ill-equipped to address the specific claims of displaced children. Some minors were also placed in detention for multiple reasons, such as preventing further displacement or facilitating removals. In response to that situation, UNHCR had proposed alternatives to detention and increased the number of child-protection specialists in the field.

6. Birth registration was so poor in many situations of displacement as to be another cause for concern, given the risk of unregistered children finding themselves stateless. The Executive Committee might wish to adopt a conclusion on birth registration. More than 24 per cent of refugee children between the ages of 6 and 11 years did not attend primary school, and the figures for secondary schooling were even more alarming. UNHCR had adopted a new education strategy and partnerships had been formed, in particular with the United Nations Children's Fund (UNICEF). She noted with satisfaction that some 40 countries worldwide granted asylum to persons who were persecuted on account of their sexual orientation or gender identity. On the other hand, racially motivated attacks and crimes against migrants and refugees had increased dramatically. Where persons with a disability were concerned, some governments had already taken progressive initiatives. The Executive Committee might wish to review more extensively the extent to which criteria of age, sex and diversity were mainstreamed in the policies and practices of all protection providers.

7. **Ms. Pollack** (United States of America) said that the United States welcomed the recent release by UNHCR of new guidelines on alternative measures to detention of asylum seekers and that it would take inspiration from them to improve its own asylum system where necessary.

8. **Mr. Isarabhakdi** (Thailand) said that Thailand had begun the necessary steps to speed up the resettlement in third countries of vulnerable displaced persons from Myanmar. More than 5,000 birth certificates had been issued to displaced children and persons under the protection of UNHCR. Training on the human rights of displaced persons and their need for protection continued to be given to the officials concerned. Thailand called on resettlement countries to speed up the formalities that could complicate or delay departure from the host country, and encouraged UNHCR to expand the capacity of its emergency transit centres and to demonstrate greater flexibility in order more rapidly to process the cases of vulnerable persons.

9. **Mr. Boukili** (Morocco), speaking on behalf of the Group of African States, said that the new developments in West Africa, in the Horn of Africa, in the Sahel and the Sahara and in North Africa gave reason to reconsider the forms of assistance and protection for refugees and internally displaced persons, especially during emergencies and after conflicts. UNHCR should take global and comprehensive measures to meet the humanitarian needs of displaced populations and support the efforts of the countries of Africa that hosted many refugees and internally displaced persons. The Group of African States supported the idea

of an enhanced partnership proposed by the High Commissioner in his note on international protection (A/AC.96/1110) and insisted on the need for solidarity among all those involved in order to achieve durable solutions.

10. **Mr. Bonser** (Canada) said that Canada intended henceforth to focus its efforts on the resettlement of specific refugees through commitments lasting several years, with the objective of expanding areas of protection.

11. **Ms. Southern** (Australia) said that Australia had adopted a law on complementary protection, drawn up guidelines in order better to identify cases of statelessness, expanded its resettlement programme and reinforced its support for the new resettlement countries. Australia had signed a multimillion dollar partnership agreement with UNHCR, 12 million dollars of which would be earmarked for protection initiatives to address gender-based and sexual violence. In addition, Australia continued to offer a guaranteed component of resettlement places under the Woman at Risk programme and was going to expand its resettlement programme in 2013 in order to accommodate 20,000 persons. Finally, in 2012, Australia had introduced guidelines on assessing claims of statelessness.

12. **Mr. Kaeser** (Switzerland) said that Switzerland had for the first time developed a strategy for the Horn of Africa in 2013–2016, comprising a “migration” component and a “protection” component; the latter was intended to help to reinforce protection capacity in the region by supporting, in particular, the project of UNHCR and of the International Organization for Migration (IOM) on trafficking. Finally, Switzerland invited all member States, observers, non-governmental organizations and academia to take part in the dialogue that would follow the launch of the Nansen Initiative on 2 October 2012.

13. **Ms. Lindblad** (Sweden) said that in 2011, the Swedish Migration Board had carried out a quality assessment of the decisions taken in respect of asylum and that her country was resolved to ensure that the common European asylum system was set up as soon as possible in order to guarantee genuine and practical solidarity within the European Union. Moreover, Sweden was providing financial support for the implementation of the strategy to combat sexual and gender-based violence.

14. **Ms. Saritekin** (Turkey) said that since October 2011, Turkey had applied a temporary protection regime, while observing the principles of non-refoulement and non-rejection at the border, for Syrian refugees, who so far numbered 90,000. However, in the face of the continuing increase in the number of refugees, international cooperation and burden sharing were more than ever essential. In June 2012, a bill on aliens and international protection that would strengthen the asylum management system had been submitted to parliament for adoption.

15. **Ms. Muriuki** (Norway) said that Norway hosted refugees fleeing emergencies and gave priority to vulnerable women. Norway intended to sign an agreement with the European Asylum Support Office and in June 2012, the Government of Norway had submitted to parliament a white paper on children in need of protection, which reviewed its overall laws, practices and policies in order to make good any shortcomings. Norway wished to improve voluntary return programmes and was working to strengthen systems to provide assistance to children who returned to their country of origin, in particular by developing ways of tracing their parents. In July 2012, the citizenship regulations had been amended to make it easier for children born in Norway or who had arrived there when they were small to obtain Norwegian citizenship.

16. **Mr. Hanniffy** (Ireland) said that the protection of displaced vulnerable children was of particular importance and welcomed the UNHCR Framework for the Protection of Children, on which Ireland looked forward to hearing a report.

17. **Ms. Feller** (Assistant High Commissioner for Protection) said that refugees should always be associated with decisions concerning the location of camps and that the capacity of emergency transit centres could be expanded only by the countries in which they were located. She commended the solidarity shown by the countries of Africa in the face of all the crises besetting the continent and insisted on the importance of partnerships for protection. She welcomed the recent launch of the global database of the Protection Cluster and the progress made by the different countries, in particular Australia, on the issue of statelessness. She underscored the importance of the Kampala Convention and urged those States that had not ratified it to do so.

18. **Ms. Moller** (Denmark) said that thanks to the efforts of Denmark when it had presided the European Union, political agreements on refugees and asylum had been signed within the Council and with the European Parliament, notably the Directive on minimum standards for the procedures for granting and withdrawing refugee status. With regard to resettlement, the Council and the European Parliament had defined a set of common priorities for 2013. In addition, Denmark had organized a conference on the integration of resettled refugees for the different countries concerned. In September 2012, the Government of Denmark had adopted a decision authorizing asylum seekers who had been in the country for more than six months to work and live outside refugee centres.

19. **Mr. McLaughlin** (United Kingdom) welcomed the steps taken by UNHCR to provide assistance to refugees in urban settings and to prevent and combat sexual and gender-based violence against refugees. He expressed the hope that UNHCR would continue to develop its partnerships within the Protection Cluster.

20. **Ms. Kim Ha-Young** (Republic of Korea) said that it was a source of satisfaction that UNHCR was redoubling efforts to cooperate with UNICEF and with countries in order to offer greater educational opportunities to children and adolescents from refugee families. She encouraged States to continue to improve their national legislative and institutional framework for the protection of asylum seekers and refugees, and invited UNHCR to continue to cooperate with them to promote universal observance of the principle of non-refoulement.

21. **Mr. Asaolu** (Nigeria) said he noted with concern that in just one year, more than 1,500 asylum seekers had perished in the Mediterranean while attempting to reach the shores of Europe. He was also concerned about the proliferation of weapons which was an aggravating factor in humanitarian crises, in particular in Mali. In his view, the detention of refugees undermined fundamental freedoms and human dignity. In 2011, Nigeria had acceded to the 1961 Convention on the Reduction of Statelessness and ratified the African Convention on Displaced Persons. With the support of UNHCR, Nigeria had also launched a health insurance programme on behalf of refugees and asylum seekers.

22. **Mr. Katelo** (Kenya) said that Kenya practised an open-door policy and accommodated 650,000 refugees. The rights of refugees and their protection were guaranteed by Kenya's domestic legislation and its new Constitution, and in particular by the law on refugees, which guaranteed the registration of refugees and the issue of documents, as well as authorizing them to live wherever they wished in the country, and the law on citizenship, which gave unaccompanied children the right to obtain Kenyan nationality.

23. **Mr. Lang** (Germany) said that it was above all necessary to put an end to the phenomenon of statelessness, in particular by ensuring universal registration of births. Fifty per cent of refugee children were currently not registered and were thus at serious risk. It was also essential to provide refugees and asylum seekers with machine-readable travel documents. Finally, he drew attention to the question of climate change which was the

reason for new patterns of displacement and said that Germany was actively promoting preparedness measures for natural disasters.

24. **Mr. Chu** Guang (China) said that China was endeavouring to respect the commitments it had entered into the previous year on the occasion of the sixtieth anniversary of the 1951 Convention. China considered that refugee status did not apply to certain persons, to whom the principle of non-refoulement should not extend. UNHCR should preserve its neutrality as a humanitarian organization and prevent the politicization of refugee-protection mechanisms. The territorial sovereignty of States should also be respected.

25. **Mr. Boukili** (Morocco) said that he was concerned by the constant decline since 2004 in the worldwide number of voluntary repatriations. The commitment of UNHCR to durable solutions should be reflected in an increase in the proportion of the UNHCR budget assigned to voluntary returns, which was currently 10 per cent. Registration of refugees was essential in order to afford them protection and ensure respect for their human rights, and he invited UNHCR to produce a reliable register of the refugees in the camps at Tindouf.

26. **Ms. Ighil** (Algeria) said that she noted with concern that many asylum seekers and migrants perished in the Mediterranean and in the Gulf of Aden. With the assistance of UNHCR and of IOM, Algeria was pressing ahead with the review of its legislative provisions on refugees, asylum seekers and stateless persons. She asked for details of the possibility, referred to in the Note on International Protection, of offering temporary solutions to refugees.

27. **Mr. Musa** (Sudan) said that many persons had found refuge in eastern Sudan. The Government of Sudan was striving to ensure their protection and to meet their essential needs, but it was short of jurists to deal with the applications of asylum seekers originating from Eritrea and Somalia in particular. Sudan also had to face the phenomenon of trafficking, which affected numerous refugees.

28. **Ms. Nakiou** (Greece) drew attention to the efforts made by Greece in the field of protection for asylum seekers and migrants as well as in combating racism, xenophobia and hate crimes. She said that in October 2009, Greece had launched a plan of action based on the introduction of a new asylum regime.

29. **Mr. Cote** (Lawyers for Human Rights) drew attention to different serious protection issues and in particular the cases of forced repatriation in Sudan and China, cases involving the detention of asylum seekers in Greece and Israel, and to the lack of funds available to provide assistance to the 265,000 refugees from Mali, most of whom were in Burkina Faso, Mauritania and in Niger. He also urged the countries of the European Union not to approve the proposed amendments to the Directive on minimum standards for the reception of applicants for asylum, which would introduce regressive measures on the detention of asylum seekers.

*The meeting rose at 6.05 p.m.*