

## Rapporteur's Report

On behalf of NGOs:  
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**UNHCR's Annual Consultations with  
NGOS  
3 – 5 JULY 2012**

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## Abstract

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

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

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

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

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

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

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

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

The full report may also be accessed at [www.unhcr.org/ngo-consultations](http://www.unhcr.org/ngo-consultations) and [www.icva.ch](http://www.icva.ch).



## OPENING SESSION

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

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

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

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

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

## THEMATIC SESSIONS

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

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

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

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

#### RECOMMENDATIONS:

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

## Climate Change

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

#### RECOMMENDATIONS:

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

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

## **Information Management Symposium: Strengthening information in humanitarian response**

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

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

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

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

### **RECOMMENDATIONS:**

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

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

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

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

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

Challenges with provision of legal services to refugees:

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

Challenges with UNHCR and State RSD processes

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

#### **RECOMMENDATIONS:**

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

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

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

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

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

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

#### **RECOMMENDATIONS:**

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

#### **Marginalisation and Social Exclusion of Particular Refugee Populations**

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

#### **RECOMMENDATIONS:**

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



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

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

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

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

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

### **RECOMMENDATIONS:**

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

## Redefining Protection for Children in Emergencies

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

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

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

### RECOMMENDATIONS:

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

## REGIONAL SESSIONS

### Africa Bureau

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

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

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

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

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

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

#### **RECOMMENDATIONS:**

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

#### **Asia Bureau**

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

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

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

#### **RECOMMENDATIONS:**

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

#### **MENA Bureau**

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

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

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

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

#### **RECOMMENDATIONS:**

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



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

## Americas Bureau

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

### RECOMMENDATIONS:

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

## Europe Bureau

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

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

## RECOMMENDATIONS:

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

## CLOSING SESSION

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

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

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

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

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

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

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

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

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



Published by:  
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P.O. Box 2500  
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Switzerland

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