



Australian Refugee Rights Alliance
“No Compromise on Human Rights”

2009

UNHCR ANNUAL CONSULTATIONS WITH NGOS

Report available at:
www.crr.unsw.edu.au
www.refugeecouncil.org.au

2009 UNHCR Annual Consultations with Non Government Organisations 29 June – 1 July 2009



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These notes have been compiled from the records of members of ARRA attending each meeting. While the authors have attempted to ensure that the records reflect an accurate account of the statements made, the accuracy of the information is not guaranteed and ARRA accept no responsibility for its use. For clarification of any comments made in the meetings, we recommend that you contact the relevant speaker. If you are aware of any inaccuracies or inconsistencies contained in the records, please contact Eileen Pittaway.

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ARRA HISTORY AND PURPOSE

Australian Refugee Rights Alliance (ARRA) is a consortium of Australian Non-Government Organisations attending the UNHCR Annual Consultations with NGOs and meetings of the Executive Committee of UNHCR.

Members of ARRA attending 2009 UNHCR meetings include:

Organisation	Attendees in 2009	Web address
 Refugee Council of Australia	Paul Power Kamal Hussein (representative of Rohingya in Australia)	www.refugeecouncil.org.au
 amnesty international australia <small>promoting and defending human rights</small>	Graham Thom	www.amnesty.org.au
 Foundation House	Paris Aristotle Mardi Stow	www.foundationhouse.org.au
 National Council of Churches in Australia	James Thomson	www.ncca.org.au
 ANCORW <small>The Australian National Committee on Refugee Women</small>	Supported AWAU delegates in 2009	www.ancorw.org
African Women's Advocacy Unit (AWAU) - a project of ANCORW	Liliane Lukoki Fatima Elzibar	www.ancorw.org/awau.htm
 The Centre for Refugee Research UNSW <small>THE UNIVERSITY OF NEW SOUTH WALES</small>	Eileen Pittaway Geraldine Doney Ollie White Tori Vu Chris Daly Brendan Joyce Sarah Uther Sara Maxwell Ellie Wong Heike Lautenschlager Anna Samson	www.crr.unsw.edu.au
 SETTLEMENT COUNCIL OF AUSTRALIA	Ricci Bartels	www.scoa.org.au
 ACCES <small>services inc.</small>	Margaret Neil Gail Kerr	www.asi.org.au
 AMES	Melika Sheik-Eldin	www.ames.net.au

In December 2001, the Centre for Refugee Research, University of New South Wales, Australia convened an international conference “Where to from Here?” to mark the 50th anniversary of the 1951 Refugee Convention. Over the course of four days, more than 500 academics, refugees, lawyers, students, interested public and community workers came together in Sydney and discussed current refugee law, policy and practice. A group of refugee advocates came together following the conference and formed the Australian Refugee Rights Alliance (ARRA) to attend Annual Consultations with NGOs and ExCom meetings of UNHCR. They have taken an active role in these meetings each year since.

Supporting the ARRA group each year are interns based in the Centre for Refugee Research, UNSW, with support from the Australian Human Rights Centre, and the Social Justice internship program in the Faculty of Law, Amnesty International Australia, and the National Council of Churches assist with the academic research needed to produce thorough background papers on issues taken to UNHCR. Some of these interns attend the meeting and assist with documentation and compiling the final reports.

Many participants, including all CRR interns, self-fund their participation in these meetings.

ACKNOWLEDGEMENTS AND THANKS

The ARRA team was able to operate successfully and produce this report thanks to a large team of people both in Australia and in Geneva. We would specifically like to acknowledge the generosity and support of Caritas Australia, Claudine Haenni at Women’s Commission in Geneva, and Fabienne Phillippe at UNHCR.

The Centre for Refugee Research would like to extend heartfelt thanks to Asia Pacific Women’s Watch and Asian Women’s Human Rights Council for their continued support in providing accreditation for the staff and interns of the Centre to enable the group to attend the UNHCR Annual Consultations. AWAU thanks Women’s International League for Peace and freedom for accrediting their registration.

CRR also acknowledges the excElliet work of the interns attending the Annual Consultations in 2009. They worked very hard in the lead up to and during the Consultations and provided an invaluable contribution to the work of ARRA.

PURPOSE OF ANNUAL CONSULTATIONS WITH NGOS

Every year over 300 representatives from around the world attend UNHCR's *Annual Consultations with NGOs* in Geneva generally held during the last week of September. Many of these representatives also stay on to attend UNHCR's *Executive Committee* (ExCom) during the following week and meet with some of the hundreds of attending State representatives. In 2008 the Annual Consultations were de-linked from ExCom, and were scheduled in June. In 2009, the Annual Consultations were again held in June, following the 45th UNHCR Standing Committee meeting. It is unclear what the timing of the Consultations will be in subsequent years.

While the Consultations started out as a half day discussion where UNHCR talked with NGOs about the upcoming ExCom (the reason why it is often called 'Pre-ExCom'), it has grown into a major international meeting point for community-based refugee organisations, UNHCR's operational partners, human rights and humanitarian agencies and other NGOs. It provides a forum to network, gather and share information, hear about new policies and best practice, discuss protection gaps and identify joint solutions.

A guide released in June 2008 aims to provide information and advice to help NGOs participate in the Annual Consultations and, in so doing, strengthen the partnership between NGOs and UNHCR in providing protection and assistance to persons of concern. This guide is available at: http://www.unhcr.org/ngo-consultations/Final_guide_5Jun2008.pdf

PURPOSE OF THE ARRA REPORT

The purpose of collating a report each year is multifunctional. The report acts as:

- A feedback mechanism to supporters of issues taken to Geneva and minutes of the meetings.
- A tool to share information with those NGOs and partners that were not able to attend to ensure advocates in the field are fully apprised of the meetings, advances and preclusions.
- A chronological record of annual themes and advances in advocacy.
- An antecedent and collation of potential issues that are being raised in seemingly isolated instances, that demonstrates that a theme or pattern is emerging.

ARRA in 2009

ARRA issues

The issues raised by ARRA included:

1. Resettlement and integration: the responsibility of governments, the role of host communities, family reunification, impact of pre-arrival experience, refugee communities as equal partners
2. The role of NGOs in advocating resettlement
3. Urban refugees
4. Women and Girls at Risk: monitoring the implementation of the Conclusion, livelihoods and key protection measures
5. Rohingya issues: protracted and forgotten refugee situations
6. Africa issues: forgotten refugees, forced repatriation, family reunion, family definitions
7. Sex-disaggregated data

Position papers

ARRA papers are used to inform and advocate for specific issues, particularly as they relate to the formal scheduled Plenary Sessions and Side Meetings. Fewer position papers were taken to Geneva in 2009 than in previous years as a result of the meeting being scheduled in June, and overcommitted delegates.

Copies of the papers can be found as addenda to this ARRA report and also on-line at: http://www.crr.unsw.edu.au/unhcr_advocacy.html

The papers taken to Geneva in 2009 by the ARRA team included:

1. Rohingya (Kamal Hussein)
2. Role of NGOs (Graham Thom)
3. Urban refugees (Ellie Wong and Chris Daly, CRR)
4. Displaced in Sri Lanka (Anna Samson, AYAD to Asia Pacific Refugee Rights Network, sponsored by Centre for Refugee Research)

Bilateral Meetings

In addition to the scheduled meetings of the Consultations in Geneva, the opportunity is also available for ARRA members to meet with UNHCR officers to discuss and progress individual issues. A number of UNHCR officers kindly made themselves available for a number of productive bi-lateral meetings. Representatives of the Special Rapporteurs of the UNHCHR also met with the CRR team. ARRA are most appreciative to UNHCR for these opportunities to strengthen our collaboration and associations. State delegates to the Standing Committee meeting, both from Australia and other States, were also generous in providing opportunities to meet with ARRA delegates.

Documenting the Annual Consultations

The Centre for Refugee Research team documents all sessions of the Annual Consultations, in preparation for the writing of this report. In 2009, some of the documenters also assisted the Special Rapporteur to document specific sessions. The draft Guide to participating in UNHCR's Annual Consultations with NGOs 'Working with UNHCR' describes the role of the Rapporteur:

Each year, one NGO representative is selected, in advance of the Annual Consultations, to be the Rapporteur (the meeting reporter). The primary role of the Rapporteur is to report back to the Annual Consultations on the last day during the closing Plenary Session. S/He highlights major developments, recommendations and issues that need to be addressed. The Rapporteur also provides a verbal and written report to ExCom to be presented to the government representatives on behalf of the NGOs. The Rapporteur also prepares a written detailed report on the Annual Consultations. UNHCR finalizes, publishes and distributes the Report.

The position of Rapporteur for 2009 was Elizabeth Campbell from Refugee Council USA. Tori Vu, Anna Samson and Geraldine Doney acted as 'mini-Rapporteurs' in various sessions to assist Elizabeth in her role.

Cross cutting themes in 2009

The following issues arose across a number of the formal Plenary Sessions and Side Meetings at the 2009 Annual Consultations with NGOs.

1. Displacement in urban settings
2. Protracted situations
3. Reform in UNHCR – the new management tools including focus software
4. Awareness of Rohingya refugees
5. Family reunion/family definition issues

Agenda at a Glance

Annual Consultations
with Non-Governmental Organizations
29 June – 1 July 2009, Palais des Nations, Geneva, Switzerland

Monday 29 June 2009 (Palais des Nations Geneva)

	Room
1100 - 1300	WELCOME AND OPENING ADDRESS/ <i>BIENVENUE ET DISCOURS D'OUVERTURE</i> XIX
1500 - 1625	REGIONAL SESSIONS/ <i>SEANCES REGIONALES</i>
	Asia and the Pacific Bureau.....XXII
	Americas Bureau.....XXIII
1635 - 1800	REGIONAL SESSIONS/ <i>SEANCES REGIONALES</i>
	Europe Bureau.....XXII
	MENA Bureau.....XXIII
1830	<i>Reception – UNHCR Cafeteria, UNHCR main building (94, rue de Montbrillant)</i>

Tuesday 30 June 2009 (Palais des Nations Geneva)

1000 - 1125	REGIONAL SESSION/ <i>SEANCE REGIONALE</i>
	Africa Bureau.....XIX
1135 - 1300	THEMATIC SESSIONS/ <i>SEANCES THEMATIQUES</i>
	IDPs/ <i>Déplacés internes</i>XIX
	Global Needs Assessment/ <i>Evaluation des besoins globaux</i>XXII
	Disability in Emergencies/ <i>Le handicap dans les situations d'urgence</i>XXIII
1500 - 1625	THEMATIC SESSIONS/ <i>SEANCES THEMATIQUES</i>
	Displacement in Urban Settings/ <i>Déplacement en milieu urbain</i>XIX
	Forgotten and Protracted Situations/ <i>Situations de réfugiés prolongées et délaissées</i>XXII
	Durable Solutions : NGOs and Resettlement/ <i>Solutions durables: les ONG et la réinstallation</i>XXIII
1635 - 1800	THEMATIC SESSIONS/ <i>SEANCES THEMATIQUES</i>
	Displacement in Urban Settings (continued)/ <i>Déplacement en milieu urbain</i>XIX
	Forgotten and Protracted Situations (continued)/ <i>Situations de réfugiés prolongées et délaissées</i>XXII
	Security and Safety of Staff/ <i>Sûreté et sécurité du personnel</i>XXIII

Wednesday 1 July 2009 (Palais des Nations Geneva)

1000 - 1100	PLENARY SESSION/ <i>SEANCE PLENIERE</i>XIX
	Report back on the NGO Consultations/ <i>Rapport sur les consultations avec les ONG</i>
1100 - 1300	CLOSING ADDRESS/ <i>DISCOURS DE CLOTURE</i>XIX
	António Guterres, High Commissioner for Refugees

SUMMARIES OF SESSIONS

AC1: Welcome and opening address

Speakers: Ed Schenkenberg, Coordinator, International Council of Voluntary Agencies
Erika Feller, Assistant High Commissioner for Protection, UNHCR
Lloyd Dakin, Director, Division of External Relations, UNHCR
Catherine Walker, Head, Secretariat and Inter-Agency Service, UNHCR
Bernard Doyle, Head, Inter-Agency Unit, UNHCR

Date and time of session: Monday 29 June 2009, 1100-1300

Documenters: Tori Vu, Sara Maxwell

Key points from session

Shrinking humanitarian space

- Capacities for protection are constrained (e.g. Pakistan, Sri Lanka and Sudan) where access of NGOs and UNHCR to people needing humanitarian assistance and protection is extremely restricted. NGOs and UNHCR face possibilities of experiences of determination of activities and expulsion. This creates a gap between expectations and capacity for protection.
- The notion of humanitarian space needs to be broadened to include all people in need of protection; not just staff as had been discussed at the Standing Committee. 2008 was the worst year on record with 260 people killed, kidnapped and/or injured. Three quarters of which occurred in Sudan, Somalia and Afghanistan.
- UNHCR country offices can increase humanitarian space in non-convention signatory countries, particularly in countries of first asylum, by recognising more NGOs and implementing partners to advocate to governments to sign the Convention. This type of advocacy is as important as securing actual funding.

Internally Displaced People (IDP)

- UNHCR is involved in IDP operations across 22 countries, and leads most, but not all cluster operations relating to emergency situations, camp management and protection. Those operations it does not lead had already been supported by existing structures, so it was not necessary to change them.
- Cluster issues:
 - The interaction between the Global Cluster approach and field operations
 - Resources not always available to fulfil obligations
 - Scope of protection responsibilities
 - Legal framework for new drivers of displacement e.g. environment

- Cluster provides predictability, regularity and legal basis to protection operations.
- UNHCR is looking to work with NGOs to extend its role in natural disaster situations.
- Consultative process of reflection to be undertaken to engage more openly with these issues.

Protracted situations

- High Commissioner's Dialogue: a document is available with an update on five priority situations; Afghans in Pakistan, Afghans in Iran, Rohingya in Bangladesh, Serbia, Eastern Sudan and Tanzania. These are pilot areas that do not exclude all other protracted situations.
- Objectives of protracted situations priorities:
 - Ameliorate current living situations
 - Push for holistic and multifaceted solutions
 - Encourage resettlement
 - Promote local integration and self sufficiency

Asylum migration nexus issue

- Mixed migration flow is increasingly used by states as a tool for immigration control. While not all people may be persons entitled to Refugee Status, all were entitled to rights e.g. trafficked women.
- 10 Point Plan of Action calls for partnership initiatives in this area.
- 10 Point Plan of Action was designed as a manual of actions to use as best practice.
- UNHCR are calling for NGOs to comment on its relativity to practice.

Age Gender Diversity Mainstreaming (AGDM) accountability framework

- At the end of its second year. AGDM is a current priority for the office reflected in a presentation during the Standing Committee. However, government attendance was not very high.
- Progress on: Women at risk, establishing standard operating procedures for SGBV prevention and response, collection of SGBV data and the improvements in advocacy so governments adopt AGDM.
- Remaining issues include: children at risk, unaccompanied minors, and the need for coherent policy in this area.
- Standing Committee presentation included information on general accountability and governance framework: part of a peer review mechanism that will be of interest to NGOs
- FOCUS software tool is not yet finalised.

Climate change

- UNHCR recognises the effects of climate change: environmental degradation as well as the loss of livelihoods and land displacing millions of people.

- The question is, can these people be qualified as refugees under the classic definition of the 1951 Convention, or are they something else? Perhaps a new instrument or regime for the protection of these people is needed.
- Need to look at these issues together to determine how to protect and assist these people. If a situation affects millions of people such as this, it is a concern that affects everyone.
- A working group is being developed to look at the issue of new drivers of displacement and the legal framework that surrounds this.

Budgeting and the Global Financial Crisis (GFC)

- As a result of the GFC, the climate for fundraising and acquiring resources for UNHCR's work has become more difficult. Governments, who are some of the most important donors, as well as the general public, are not in easy financial times.
- UNHCR has stayed on target in terms of fundraising. They have raised more money at this time, however targets are higher than ever before. UNHCR continues to receive relative support from donor countries.
- Enabling donor support through UNHCR's engagement in thorough and aggressive internal reform process. This process of reform is to improve ways of organising and structuring UNHCR to improve efficiency and effectiveness.

Non Government Organisation (NGO) partnership

- Over 1200 Agreements with NGOs have been made, including 500 national NGOs and 165 international NGOs. In 2008, 25% of total expenditure was delivered through agreements with NGOs. Through all implementing partners it was over 33%.
- Sustainability of national NGOs and their dependency on UNHCR or other international agencies is a huge problem. In order to increase sustainability of these national NGOs, we need to determine ways to reduce dependence, as well as ways to increase funding bases at home or otherwise? Currently, the change of focus for one agency can leave its beneficiary agencies without funds yet still willing and needing to work.
- Encourage more active dialogue between NGOs and UNHCR to ascertain needs and available resources.

Links to ARRA issues

- Women and girls at risk
- Need for sex disaggregated data to inform protection policy and procedure
- Asia Pacific / Rohingya – mixed migration and asylum
- NGOs and Resettlement
- Protracted refugee situations in Asia and Africa

AC2: Asia Pacific Bureau

Moderator: Colin Gonsalves, Socio Legal Information Centre (India)
Speakers: Janet Lim, Director
Pascale Moreau, Deputy Director
Terry Morel, Deputy Director

Date and time of session: Monday 29 June 2009, 1500-1625
Documenters: Geraldine Doney, Ellie Wong

Session description

With the number of refugees and asylum-seekers on the increase in many countries across Asia, the Bureau would like to focus this year's discussion with NGO partners on the particular challenges faced by refugees and asylum seekers in urban areas and what needs to be done to increase the services available to them and their livelihood opportunities. Given limited durable solutions opportunities in many cases, the Bureau would like to look broadly at interim solutions.

Key point from the session

Context

- There is a very high caseload of refugees in non-camp settings in Asia – in the mega cities as well as smaller cities and non-urban (but non-camp) settings e.g. Of 12.2 million people of concern in this area, only 3.4 million are in camps.
- UNHCR recognised the need to take a more expansive approach to include the needs of all persons of concern, including both registered and unregistered refugees, asylum seekers, internally displaced peoples, and members of the host community.

Challenges

- UNHCR does not have sufficient funds to adequately address the needs of the urban population in the Asia Pacific region directly.
- They need to rely on the activities of local NGOs, and also of negotiations and advocacy with governments to allow access of refugees to local education and social services.
- Therefore UNHCR must work their sister UN organisations, e.g. in development. However, UNHCR recognised that mainstreaming refugees in other UN organisations still has a long way to go.
- UNHCR acknowledged their limited knowledge of refugees in urban areas. In particular, how UNHCR could learn more about refugee networks and their existing coping mechanisms. Mapping of refugee populations was raised as a priority activity.

NGO partnerships

- UNHCR is looking for feedback and input from NGOs as to how UNHCR and NGOs can work together and work creatively to meet the needs of this population.
- Building the capacity of national NGOs is particularly important in areas which UNHCR cannot access.
- UNHCR appreciated NGOs' suggestions for joint feedback and trainings with regional UNHCR staff on local country policy.

Livelihoods; women and girls

- Livelihoods were raised as a key protection strategy for refugees in non-camp settings. UNHCR recognised the need to assist refugees in the non-formal sector.
- Participatory techniques were identified as being a key strategy to identify those groups most at risk. E.g. old, young, women.
- UNHCR acknowledged gaps in protection of women and girls, relying mostly on NGOs across the region; and flagged the need to work with men to enhance the protection of women.

The role of UNHCR as a critic of governments

- NGOs raised this issue with Sri Lanka implicit in the discussion
- UNHCR commented that it needs to balance the need to both work with donor governments as well as focus on what is in the best interests of the population; sometimes it does not necessarily mean openly taking on government.
- UNHCR encouraged NGOs and broader civil society to voice concerns.

Links to ARRA issues

- Urban refugees: what are the protection challenges of urban refugees in Asia?
- Women and girls at risk: how should UNHCR and NGOs address the specific protection challenges for this group?
- Asia Pacific regional issues: what are the common experiences of refugees in non-camp settings in this region?
- Rohingya – UNCHR is working to have this group recognised. Better services to people outside the camps by bringing development and assistance to the whole area, rather than having more of this group in camps. Bulldozing settlements.

AC3: Americas Bureau

Moderator: Rodrigo Joaquin Tupper Altamirano, Vicaria de Pastoral Social
Speakers: Merida Morales O'Donnell, Director
Eva Demant, Deputy Director

Date and time of session: Monday 29 June 2009, 1500-1625
Documenters: Heike Lautenschlager, Sara Maxwell

Session description

The Director of the Americas Bureau will give a brief presentation on regional developments since the last NGO Consultations in June, and regional priorities for 2010-2011. The Director will also highlight the situation of urban refugees in the region and present UNHCR's strategy in the Americas to address the specific challenges which are inherent in urban settings.

Key points from session

Regional update

- The situation in Columbia continues to be of concern, especially in relation to violent activities against indigenous populations.
- UNHCR continues to support both governments from Ecuador and Columbia.
- 3 million IDPs and a reduction of humanitarian space is affecting the ability of humanitarian workers to provide protection.
- UNHCR and Columbia are working together to ensure protection of vulnerable groups.
- Ecuador has introduced a national policy on protection which aims to provide recognition to the invisible refugees living on the northern borders.
- A new office in the Dominican Republic.
- "Cities of solidarity" is being used to target urban refugees living in Latin America - aims to engage local authorities at provincial and municipality levels

Challenges

- Recognition of the poor economic reality of the refugee hosting countries.
- Difficulty identifying the needs of urban refugees.
- Cities of solidarity: lack of resources.
- The lack of information sharing initiative and exchange of best practice.

Registration

- The policy of protection and Plan Ecuador in Ecuador provides recognition of refugees and enhanced registration processes. Since March 2009, 8,000 refugees have been registered, with the aim of registering 50,000 by the end of 2009.

- A new regional office will be established in the Dominican Republic.

Protection

- The concept of 'cities of solidarity' is used to provide protection for urban refugees, focusing on empowerment and self-reliance. The concept is being used in Mexico, Columbia, Venezuela, Argentina, Chile and Brazil. Lack of resources has impeded the full realization of the benefits and opportunities created by this initiative.
- Panama: importance of the protection of unaccompanied minors, there is a new regional session in Panama to look at existing mechanisms, systems of refugee status determination and cooperation.

Protracted refugee situations

- The Mexico Plan of Action contains strategic approaches for dealing with protracted situations, with a focus on urban refugees.
- The obligation of state are essential, UNHCR is dealing with situations where the countries are quite strong, economically, intellectual capacity, elites, and long humanitarian traditions.

SGBV

- AGDM diversity mainstreaming strategy outlines specific steps to be taken to reduce SGBV.
- Participatory assessments so that refugees and IDPs are spoken to directly within a dialogue that comprises women and girls.
- Need for a community-based approach that focuses on diversity issues.
- Awareness that needs to be integrated into the institutions, since UNHCR does not work alone.
- In Costa Rica, San Parados: a "House of Rights" was established, offering legal and psychosocial support, focusing in particular on survivors of SGBV.

Urban refugees

- Urban and inter-urban displacement needs to be studied in greater depth.
- Concern for humanitarian space
- Humanitarian law is not respected

Best practice

- UNHCR called for the documentation of best practices under the Mexico Plan of Action, so that these may be promoted across offices and partners.

Links to ARRA issues

- Women and girls at risk
- Urban refugees
- Protracted refugee situations

AC4: Europe Bureau

Moderator: Chris Nash, European Council for Refugees and Exiles

Speakers: Pirkko Kourula, Director
Udo Janz, Deputy Director
Angela Li Rosi, Senior Policy Advisor
Maja Ilic, Executive Assistant

Date and time of session: Monday 29 June 2009, 1635 - 1800

Documenters: Ollie White, Geraldine Doney

Session description

The vast majority of refugees in the MENA region are in urban areas, where ensuring their protection remains a challenge for UNHCR and its partners. Against this background, the focus of the MENA regional session will be on the protection of refugees and other persons of concern to UNHCR in an urban context. The discussion will be geared towards identifying ways and means to maintain and further develop the protection space in the region.

Key points from session

Increasingly strict border controls and access

- E.U. has increasingly strict border controls making access difficult if not impossible. All borders are of concern, especially eastern borders.
- There are reduced numbers of refugees due to increased border control.
- UNHCR is trying to provide access to territory and procedures, as well as trying to find solutions to refugees, with resettlement being a major option.
- Problems of humanitarian access and security of staff. In E.U. especially manifest in caucuses.
- Mediterranean and Eastern borders are of particular concern and it is important for NGOs to voice concern of push back.
- In Italy and Malta, UNHCR is concerned about pushback policy and have spoken with Italian authorities. UNHCR are trying to identify individuals who have been sent back. UNHCR has been strong and stated Italy should readmit those who have protection needs. However, this has not yet been successful. Italy has confirmed it would accept other refugees from Libya, but not those it pushed back.

Mixed migration

- Agenda is becoming more difficult and complex in E.U: mixed movements and asylum migration are significant issues.

- There is a need for more contact with other bureaus, such as Asia, Africa, MENA. The sharing of correct information is vital, and speedy solutions are required.
- Regionalisation and decentralisation of UNHCR – the process of regionalisation has been going on for many years, with the most recent taking place in Brussels. This has been expanded to include Ireland and others.

Stockholm Programme

- There is a lack of harmonisation of issues in the E.U – currently divergent and different practices.
- UNHCR has hope for the Stockholm process.
- A number of member states are reluctant to take on common asylum policy; NGOs and UNHCR have a role in ensuring best practice.
- There may be an opportunity to have a common resettlement program.

NGO partnerships

- Capacity building, border monitoring and finding durable solutions are the main areas of intervention for UNHCR to rely on NGOs. Border monitoring agreements have been signed in eastern countries.
- There is a need to consider how we can partner with NGOs to obtain maximum resources in the context of fundraising in the global financial crisis.

Burden sharing: focus on resettlement

- The E.U. is not taking its share of global responsibility, e.g. Pakistan hosts 1.8 million refugees or 733 refugees per \$1 of GDP.
- UNHCR is asking EU governments to accept Iraqi refugees.
- No single solution is appropriate for all situations. Burden sharing is important.
- There is concern regarding external centres and internal relocation.
- The use of the term “internal resettling” is to be avoided and replaced with the term ‘inter Europe allocation.’ This is used to distinguish need for those coming from outside E.U.

Recommendations

- Harmonisation of policies and practice within Europe, including for IDPs
- Involve E.U. Commission in NGO Annual Consultations
- Structured thematic discussions with Brussels (already done by ECRE, also NGO forums through which ECRE engages with E.U. Commission)
- Reinstate statelessness as an issue of concern – currently an issue second to IDPs
- Commend UNHCR’s proactive response to Italy’s pushback’s of refugees to Libya

AC5: Middle East North Africa Bureau

Moderator:	Zina Khoury, Jordan River Foundation
Speakers:	Mr Radhouane Nouicer, Director Mr Andrew Harper, Head, Iraq Support Unit Mr Karim Abdul Ghoul, Senior Policy Adviser Ms Reem Alsalem, Senior Desk Officer
Date and time of session:	Monday 29 June 2009, 1635-1800
Documenters:	Sarah Uther, Kimberley Ramplin

Session description

The vast majority of refugees in the MENA region are in urban areas, where ensuring their protection remains a challenge for UNHCR and its partners. Against this background, the focus of the MENA regional session will be on the protection of refugees and other persons of concern to UNHCR in an urban context. The discussion will be geared towards identifying ways and means to maintain and further develop the protection space in the region.

Key points from session

Regional Update

- 50% of all refugees are in an urban context; 25% in the MENA region.
- Political turmoil and security issues make refugee protection more difficult. They key focus of UNHCR is to secure a safe space for refugees in this region, to develop and expand the humanitarian space.
- Syria, Jordan and Yemen are hosting the majority of the refugees in the region who are originating from Iraq.
- The protracted situations in the region are placing undue constraints on States and creating negative attitudes of host communities. Integration is not an option and hence resettlement is the only option.
- Push back strategies of States receiving mixed flows of migrants and refugees is of great concern.
- Statelessness continues to be a challenge in the region. UNHCR has commissioned a research study on statelessness.
- International responsibilities are not being adhered to, particularly because many states are non-signatories to the convention. However, improvements have been made in national legislation frameworks to improve asylum access (Syria, Morocco and Libya).

Partnerships

- UNHCR expressed the desire to work more closely with all organizations via increased dialogue, open transparency and State relationships to improve capacity building & refugee registration.
- UNHCR noted the need for holistic measures and other players including other UN agencies, the World Bank, IMF, European funding, for improvements in security.

Iraq

- Huge social re-structuring required.
- The strategy for Iraq is a) Priority given to establishing and maintaining asylum space b) Assistance to those host countries c) Preparing ground for safe and orderly return d) Ensure refugees inside Iraq receive as much attention and protection as those outside Iraq.
- 75,000 Iraqis have been submitted for re-settlement, only 50% have been resettled.
- Conditions in Iraq don't allow for return. UNHCR is encouraging Iraqis to return but the Iraq government must do more.
- There are 1.2 million Iraqi refugees in Syria, 800,000 in Jordan and a further 1.5 million IDPs. There are small pockets of stateless people in detention.
- NGOs sought advice on the role of UNHCR for development in Iraq.

Protection of women and girls

- NGOs raised the need for subsistence allowances as a protection mechanism for women.
- UNHCR noted that: funding will be decreasing proportionally to the Iraqi refugee program. UNHCR also noted the need for more profiling to find alternatives to survival sex.
- Progress made with SGBV especially in Iraq and Yemen but more needs to be done for comprehensive AGDM mainstreaming and to bring the concerns to the centre of all operations.

Links to ARRA issues

- Urban refugees
- Forgotten and protracted situations
- Women and girls at risk in urban settings

AC6: Africa Bureau

Moderator: Scholastica Nasinyama, InterAid Uganda
Speakers: Francois Mariette, UNHCR
Menghessa Kebede, Officer-In-Charge of the Africa Bureau
Steven Corliss, Deputy Director

Date and time of session: Tuesday 30 June 2009, 1000-1125
Documenters: Kimberley Ramplin, Tori Vu

Session description

The discussion will start with a brief presentation on main developments and challenges in Africa since the last NGOs Annual Consultations. It will be followed by a question and answer session on any issues the NGO community would like to raise with the Africa Bureau.

Key points from session

Refugee voices should be heard by refugees, but within local legal framework

- Publications by refugees within camps should reflect conditions but be for the use of the camp committee which can use this important feedback to form the basis for program planning.
- Information disseminated outside should follow the principle of agreeing to avoid challenges with governments; local laws need to be respected given the civil nature of refugee camps. If external people are going into camps, that information should be reported internally.

Need for partnerships with international community and NGOs in the context of shrinking humanitarian space

- Working with governments as the only coordinated structure poses challenges and UNHCR has had to put efforts on hold or withdraw eg. In Zimbabwe and Sudan. UNHCR flagged the need for the international community to be engaged and supportive of a coordinated approach to increase transparency and accountability in these states, where UNHCR's role in protection and camp coordination is not recognised.
- UNHCR recognised responsibility to develop sustainable ways forward, and noted the launch of a revamped system of building the capacity of local NGOs eg. In Somalia where UNHCR operated remotely from Nairobi.

Durable solutions

- NGOs raised concerns about UNHCR's repatriation program to Southern Sudan. UNHCR described the program as one of the more successful return efforts, which was well-managed although the reception facilities are not perfect.
- NGOs raised concerns about forced repatriation to Rwanda and Tanzania. UNHCR reported they were following up with development agencies regarding access basic services; and are currently running community programs to address access to land, whilst still supporting government reallocation of land and local integration in villages.
- UNHCR noted they are engaging states in terms of local integration and making individual provisions for return, given that resettlement is no longer an option. UNHCR acknowledged that changing conditions and local integration processes in 2009/10 means small pockets of protracted situations in West Africa will remain.

Definition of family

- NGOs raised concerns about culturally specific definitions of family and dependency used by resettlement countries and UNHCR. UNHCR agreed with the need to develop a sustainable way forward when these definitions do not apply; referred to concurrent discussions at Annual Tripartite Conference on Resettlement.
- NGOs suggested mobilising resettled refugees to assist in Refugee Status Determination processes and other service provision in forgotten and protracted refugee situations. UNHCR agreed in principle and noted it is agency policy to recruit from the diaspora across the UN, but acknowledged this needs some further work in practice. UNHCR considered the possibility of using this arrangement in surgeon deployments.

Africa represents 50% of UNHCR's global activities. UNHCR projects and policy includes:

- Repatriation of Liberian refugees from Ghana. Repatriation is only one avenue, with increasing focus to be on livelihoods.
- In the context of major returns to Uganda, UNHCR is monitoring the sustainability of returns, as tribal conflicts remain an area of concern.
- UNHCR has approved a new camp at Dadaab; UNHCR acknowledged the need for NGO support especially in the context of hostility from the local Kenyan community. UNHCR is continuing to encourage voluntary relocation from Dadaab to Kakuma; and in July is implementing a local integration project over two years for improving sustainability of resources for both refugees and the host community.

Links to ARRA issues

- Family reunion
- Forced repatriation

AC7: Internal displacement situations: getting numbers and facts right

Moderator:	Jean-François Durieux, Deputy Director, Division of Operational Services, UNHCR
Speakers:	Marzia Montemurro, IDMC, Norwegian Refugee Council Kimberly Roberson, Chief, Field Information and Coordination Section, UNHCR Kathrine Starup, Danish Refugee Council Steven Muncy, Community and Family Services International

Date and time of session: Tuesday 30 June 2009, 1135-1300

Documenters: Ollie White, Tori Vu

Session description

Appropriately targeted programmes must be based on commonly-agreed numbers of beneficiaries, their situation and needs. In many situations, Internally Displaced Persons (IDPs) tend to be 'invisible' by choice or because of their displacement situation. In these cases it is challenging for governments and agencies to reconcile numbers and facts. The aim of the session is to identify the challenges of working together – amongst agencies on the one hand, and with governments on the other - to agree on numbers and on the situation and needs of IDP populations. This common analysis is essential both to mobilize capacities to provide protection and assistance to IDPs, and to ensure that the programmes developed take special vulnerabilities into account.

Key points from session

- IDP profiling ensures better programming, better assistance and better targeted resource.

Importance of collaboration between UN agencies, NGOs, states and affected populations.

- Government or humanitarian coordinator need to take the lead in conducting profiling exercise.
- Can be used as an advocacy tool vis a vis authorities and donors eg. IDP profiling exercise in protracted displacement situation in the Balkans has identified livelihood opportunities and durable solutions; also facilitated evidential basis for advocating for protection of Albanians who were neglected amongst Serbian focus.
- Avoid overlap and duplication of research and resources; proper utilisation of specific knowledge and insight; increases credibility of results

- Challenges: competition and conditions of funds; reaching consensus on objectives, expected results, data to be collected, tools, locations; sensitivities to IDP issues.
- UNHCR should build capacity of local social welfare authorities who are well placed to conduct profiling.
- Difficulties of state involvement: eg. National Disaster Coordinating Council (chaired by Department of National Defence) – an entity established to track people displaced by disasters. Apply the standard period of return of IDPs from natural disasters to armed conflict. Also inflate numbers to increase budget and donor assistance, or deflate numbers to save face.

Need for disaggregated data

- Noted problem with data that is not disaggregated by age or sex eg. national average for family size is 5.1 members; however in Mindanao, Philippines, which is impoverished and rural, larger families are the standard.

Difficulties in collecting data on urban refugees

- Visibility decreases in urban settings when IDPs find refuge with family or friends
- Regional pull factors towards urban areas eg. conflict and economic reasons

Influencing factors on IDP profiling

- Political pressure to inflate or deflate numbers for public relations or fundraising efforts.
- Noted it is not necessarily a good thing to agree on numbers, given there is no operational definition on what an IDP is. NGOs and UN interagencies are responsible for establishing that IDPs become displaced for reasons otherwise suggested by states.

IDP profiling guidelines and UNHCR policy

- Difference between IDP profiling and Global Needs Assessment: where IDP profiling looks for numbers and characteristics of population, whereas GNA is based on characteristics of population to identify gaps in protection and assistance. IDP profiling relies on interagency process, whereas GNA does not.
- The guidelines propose methodologies, although each has to be adapted to specific context eg. whether IDPs and host families suffer at the same level and therefore less need to intervene.

Links to ARRA issues

- Urban refugees
- Sex disaggregated data
- Regional Bureaus

AC8: Global Needs Assessment

Moderator: Speakers: Mamadou Ndiaye, Office Africain Pour le Developement et la Cooperation

Speakers: Ninette Kelley, Office for Organisational Development and Management, UNHCR.
Martha Nunez, Fundacion Ambiente y Sociedad.

Date and time of session: Tuesday 30 June 2009, 1135-1300

Documenters: Sara Maxwell, Sarah Uther

Session description

Responding to the needs of people of concern to UNHCR has always been a challenge for various reasons including a lack of resources and the difficulties in capturing, projecting and presenting needs. The Global Needs Assessment or GNA, is a new way for UNHCR to comprehensively express the needs of populations of concern worldwide and better present the plans, activities and level of resources required to meet those needs. It also allows UNHCR to clearly show what the very negative human consequences are of needs not being met. This year, after a pilot GNA in eight countries in 2008, UNHCR rolled-out the GNA worldwide alongside its results-based management software tool, *Focus*. The traditional involvement of governments, implementing and operational partners is more important than ever with the GNA's increased focus on more comprehensive planning. This session is designed to discuss and exchange views with partners on the GNA and also show the enabling *Focus* software tool.

Key points from session

Background

- Rights-based, protection-driven programming is at the heart of Global Needs Assessment. GNA allows UNHCR to map needs more comprehensively.
- GNA was piloted in eight countries in 2008 with some success; there has been acute interest and increased support. These pilots showed that currently, one third of needs are not being met; following this finding UNHCR has received almost \$24 million to address these gaps.
- Partnership is integral to the GNA process.
- Focus Software is a tool for results-based program management and implementation. All field operations are doing assessments and designing their plans in the software. For each population of concern Focus can assess needs, identify gaps, capacities and contributions, then design responses and budgets.
- Benefits of the results-based approach include: the ability to comprehensively assess protection needs of the populations of concern, as distinct from basic needs; and allow actors to plan and budget for those needs.

- One of the objectives of the GNA is to allow UNHCR to advocate to donors for increased budgets. Even if there is a shortfall in donor contributions and needs are still not being met; GNA is useful since it is UNHCR's role to identify areas of demand and help others to obtain funds.

Limitations

- Due to the need to further implement and mainstream the GNA, there may be problems and issues that come up and need to be improved.
- UNHCR acknowledged that there is little participation of refugees in evaluation of GNA.
- NGOs raised concerns that GNA represents a shift away from the protection of human rights, which enable refugees to access existing services in the host country; with a focus instead on aid delivery, durable solutions and care and maintenance.
- NGOs raised concerns that GNA framework would not be flexible enough to account for the intersectionality of needs. UNHCR reported there will be a stronger strategic objective from field offices that include overall contexts to allow operators to plan ahead.

Links to ARRA issues

- Sex disaggregated data
- Women and girls at risk

AC9: Disabilities in displacement

Moderator:	Philippe Guiton, World Vision International
Speakers:	Jean-Pierre Delomier, Handicap International George Okoth-Obbo, Director, Division of International Protection Services, UNHCR Stefan Trömmel, International Disabled Alliance Thomas Carval, Handicap International

Date and time of session: Tuesday 30 June 2009, 1135-1300

Documenters: Brendan Joyce, Ellie Wong

Session description

To share experience and information, identify gaps and priorities and make recommendations to improve collaboration among all stakeholders in view of addressing the protection risks, needs and issues faced by persons with disabilities in situations of displacement. According to WHO 7%-10% of the world population consists of persons with disabilities. As of end 2008, there were an estimated 36,5 million persons who had been displaced by armed conflict. A conservative guess therefore would mean that at least 2,5 million of them are disabled, although it is likely that the number is far higher. While initial progress has been made toward increasing staff knowledge and awareness and enhancing response for persons with disabilities, for sustainable and systematic impact, this process requires immediate as well as long-term action. In particular, the need for inclusive humanitarian action and community development as well as attitudes and behaviour changes is called for. Although the 2006 Convention on the Rights of Persons with Disabilities and its Optional Protocol are not universally ratified, they set out general principles that can guide the development of responses and other measures (e.g. non-discrimination, inclusion, participation and accessibility), as well as other important standards (e.g. “reasonable accommodation” and “universal design”) for persons with disabilities when they have been displaced.

Key points from session

- People with disabilities exist in all refugee populations. Sometimes they are sometimes not visible because of a number of discriminatory factors.
- The Convention on Disability is the major international law tool available for use in this area. An ExCom Conclusion on Disability is favoured by UNHCR and NGOs, but it is difficult to generate interest from states.
- Major areas of concern are:
 - in refugees with disabilities gaining access to services, including issues of movement with camps and urban areas;
 - a lack of institutional and community awareness of disabilities; and

- the need to consider people with disabilities in all processes including durable solutions of repatriation, integration and resettlement.
- Training of staff is required, both in terms of general awareness and sensitivity to challenges facing refugees with disabilities and regarding ensuring access to services.
- UNHCR's Guidelines on refugees with a disability and the Women's Commission's Handbook on Disability are excellent tools which need to be more widely used.
- Need to mainstream disability in terms of culture change and planning, as well as establishing a focal point to provide guidance and monitor each cluster and its accessibility. There was concern over: whether mainstreaming risks homogenising service provision and the ability to cater to specific services; and whether a focal point will actually hinder mainstreaming.

Recommendations

- Comprehensive gap analysis on policy and legal frameworks of each country.
- Disaggregate data.
- Resettlement needs to be to countries where services are available to persons with disabilities.
- Increased emphasis on prevention of disability.
- Need to address not just physical disabilities, but sensory and mental disabilities.

Links to ARRA issues

- Women and Girls at risk. Disabled women and girls are often targeted for sexual exploitation.
- Resettlement needs to include service provision for refugees with disabilities, not simple transportation to the resettlement country.
- Urban areas: How do refugees with disabilities access services, livelihoods, etc. in urban settings?

AC10: NGOs and Resettlement

Moderator: Alistair Griggs, Refugee Council UK
Speakers: Annette Bombeke, European Council on Refugees and Exiles
Vincent Cochetel, Deputy Director, Division of International Protection Services, UNHCR
Anne Mwangi-Wambugu, HIAS Kenya

Date and time of session: Tuesday 30 June 2009, 1500-1635

Documenters: Brendan Joyce, Tori Vu

Session description

Effective partnerships in resettlement with all stakeholders, in particular with Governments, NGOs and International Organizations are key to successful protection delivery. This session will discuss opportunities for greater involvement of NGOs in resettlement activities, focusing on the roles of UNHCR's Implementing Partners in the countries of asylum in identifying refugees in need of resettlement and in providing support to vulnerable refugees. Further, the session will explore the mechanism to enhance information sharing on individual cases between NGOs in countries of asylum and Resettlement States and NGOs of receiving end, to ensure coherent and appropriate assistance are provided to refugees throughout the resettlement process.

Key points from session

Roles of NGOs

- Act as a channel for information flow between countries of first asylum and resettlement countries to prevent loss of information, to allow resettlement countries to better prepare. Although this should improve pre- and on-arrival experience of refugees, some issues can only be dealt with when refugees develop a sense of safety and security well after initial resettlement.
- NGOs can advocate for a particular case-load, as well as encourage countries to introduce resettlement program, and encourage expansion of current rates of resettlement.
- Operate as service providers in resettlement countries helping with adaptation and integration, providing psychosocial support, housing and accommodation.
- Outside of refugee camps; UNHCR relies on NGOs to make an assessment and determine the profile of the refugee population.
- Recent examples of partnerships between NGOs and UNHCR include trainings in Bangladesh and Jordan; joint missions to Sudan late 2008, and to Tanzania early 2009.

Impact of resettlement on NGOs

- NGOs are concerned that participation in resettlement processes could negatively affect and overwhelm their core services. There are no comprehensive procedures on how NGOs can refer for resettlement, even in the Resettlement Handbook.
- UNHCR confirmed Resettlement Handbook will be re-written, to include processes such as group processing methodology, and how to set up standardized procedures in offices for accepting referrals.

Family reunion and definition

- UNHCR: DNA testing was tried because of perceptions of fraud, but it is expensive and would not be an option of first resort. The problem with family definitions is it doesn't cover non-biological relations. UNHCR recommended advising refugees to be honest.
- Polygamy is a challenge which most resettlement states will not deal with. What concerns UNHCR most is where family members are dependent on the nuclear family. UNHCR has had relative success at getting groups resettled.
- UNHCR can make submissions and interventions to governments about private sponsorship eg. Australia.

Integration

- Emerging resettlement states should really refrain from using integration potential and should focus on protection needs; although UNHCR understands (but does not encourage) selection according to practical limitation eg. accommodation.
- Need to formulate a definition of integration; it differs from country to country.

Recommendations

- NGOs should be involved in first country of asylum to process information relating to identification and facilitating resettlement, particularly in urban settings where refugees are not entitled to food, shelter and other rights.
- Memorandum of Understanding, or a formula to describe roles of NGOs in the context of tripartite relations (national NGOs, international NGOs and UNHCR) in order to maximise NGO involvement in resettlement and voluntary repatriation.
- NGOs should make direct referrals in field level resettlement projection planning to: capture UNHCR capacity, identify gaps and potential roles for NGOs, provide a more effective planning tool for resettlement countries and enable a common approach to resettlement quotas.
- Refugees themselves should have a role in identifying vulnerable people in camp or urban settings. UNHCR expressed concerns about fraud.
- Training should be formalised as part of the Resettlement Deployment Scheme, where NGO staff identify required areas for training and build capacity in camps.

Links to ARRA issues

- Family reunion and definition
- Integration
- NGO participation in resettlement: advocating other NGOs and engaging in refugee identification processes

AC11: Displacement in urban settings

Moderator:	John Bingham, International Catholic Migration Commission
Speakers:	George Okoth-Obbo, Director, Division of International Protection Services, UNHCR James Thomson, National Council of Churches in Australia
Presenters:	Duncan Breen, Consortium for Refugees and Migrants in South Africa Geraldine Chatelard, Consultant to International Catholic Migration Commission, Jordan Janet Ferreira, Caritas Ecuador Gaella Roudy-Fraser, Senior Livelihoods Officer, UNHCR Rufino Seva, COERR Bangkok Refugee Center

Date and time of session: Tuesday 30 June 2009, 1500-1800

Documenters: Ellie Wong, Geraldine Doney, Tori Vu

Session description

With UNHCR nearing completion of a new policy on persons of concern in urban settings and the High Commissioner's Dialogue focusing on this subject at the end of the year, this double-session will focus on elaborating good practice and rights-based recommendations in four subject areas: in session 1, access to services and outreach and identification of the most vulnerable; in session 2, livelihoods and mobility opportunities and strategies. Given the complexity of issues, limits of time, and the commitment to identify distinct practices and recommendations, the sessions will focus specifically on the situation of refugees and asylum seekers in urban settings. After an introduction to briefly sketch the subject of urban refugees and the trajectory of recent UNHCR policy work, including NGO engagement, presenters will frame the four subjects for discussion by offering their practical experience, an example of good practice, and two recommendations.

Key points from session

Background

- Initial UNHCR urban refugee policy devalued urban settings in the sense it was based on the idea that urban refugees were mainly males engaging in irregular movement and therefore reducing assistance to a minimum.
- Policy documents include – 1997 Urban Refugee Policy, 2003 Guiding Principles on Good Practice, 2006 Draft Urban Refugee Policy. Policy consultations include – 2008 Global Protection Retreat; urban refugees side meeting at 2008 NGO Consultations; topic at 2007 HC Dialogue

- The mobility of populations makes it difficult to monitor urban refugees as when they disappear they lose information. Visibility should be created through discussion and securing of rights and legal status.

UNHCR policy

- Need to heighten visibility of urban refugees to donor countries; also need to secure buy-in of governments, especially those which continue to maintain encampment as default approach. UNHCR will generate awareness amongst governments at the High Commissioner's Dialogue: specifically to foster acceptance that the place of residence should have no bearing on protection responsibilities to persons of concern.
- Attitudes in UNHCR must change with regard to a traditional reliance on or preference for encampment programs; urban settings must be 'validated' as a site where protection can and should occur.
- Other UN actors must be engaged considering the multiple objectives of initiatives ie. development, emergency assistance, and that UNHCR funded programs and cash grants will be insufficient.
- There is a dual mandate of addressing urban development and protection, where refugee and IDP populations contribute to rapid growth in cities; which is exacerbated by the forced urbanisation of displaced populations who, only having worked in agriculture and fisheries, need to adapt to urban livelihoods.

Strategies for developing partnerships within host communities

- Importance of outreach into the community; developing partnerships with local organisations or community leaders. This allows needs assessment and referral to services; and improves capacity of UNHCR or NGOs to intervene and monitor cases. Engaging and informing refugees means they can themselves advocate for access to rights and services.
- Need to work with affected host communities on long-term social policies and programs – considering increased demand on existing health, education services etc; or that local populations also face similar difficulties in accessing rights; or that host communities represent a resource with which access to services can be developed
- Integrate activities into community e.g. income generation, vocational training in existing markets, establish alliances with state institutions specialized in that field; intercultural activities.
- Need to facilitate cross-border mobility through temporary residence, which enables access to resources and livelihoods, families in other countries, or to prepare for return to country of origin.

Recommendations

- Policy should have an implementation companion ie. a good practice handbook.
- Pilot between UNHCR and NGOs to train staff in using vulnerability to identify, assess needs and refer refugees in a short turnaround.

- Further research into comparative analyses of different caseloads; methods of dealing with detention; security agencies; livelihoods and SGBV.
- Develop an urban IDP policy.

Links to ARRA issues

- Urban refugees
- Protracted refugee situations

AC12: Protracted refugee situations

Moderator: Manisha Thomas, International Council of Voluntary Agencies
Speakers: Arnauld Akodjenou, Director, Division of Operational Services, UNHCR
Emily Arnold-Fernandez, Asylum Access
Mary Purkey, Canadian Council for Refugees

Date and time of session: Tuesday 30 June 2009, 1500-1800
Documenters: Sara Maxwell, Ollie White, Sarah Uther

Session description

The High Commissioner's Dialogue on Protection Challenges in December 2008 provided a powerful forum for all stakeholders to discuss Protracted Refugee Situations. The consultations with NGOs offer the possibility to further those discussions, debating key aspects of the protracted refugee situations and in the process sharing experience, identifying policy and operational gaps and recommending concrete steps in addressing the most pressing needs of refugees in protracted situations.

Key points from session

UNHCR policy

- Protracted situations will not be solved unless there is political will from governments, particularly the country of origin. UNHCR can play catalytic role by continuing to argue for PRS to be the responsibility of international community.
- NGOs commented that Conclusion on PRS needs greater attention and political commitment; and that refugee participation has not been incorporated.
- UNHCR acknowledged improvements need to be made to policy/practice on 1. Livelihoods and self-reliance – which are not solutions but can improve conditions; 2. Education, particularly secondary through distance learning
- UNHCR's partnerships have been enhanced to supporting host countries; planning to partner with World Bank.

Need to look at voluntary repatriation, local integration and resettlement together as a collective international response

- Human rights must be the focus of all solutions. To talk about solutions is to talk about guaranteeing rights (including right to recognition as refugees and to non-refoulement); and creating conditions necessary to solve protracted situations.
- Less than 1% are able to resettle in the global north; repatriation may not be possible since situation may not change in the country of origin.
- Should not give up on ratification of Refugee Convention especially in Asia.

- Solution must consider naturalisation and permanent settlement; which requires both host country solution and increased resettlement in the global north; and the creation of internal political stability.
- Advocacy strategies to change attitudes in host countries include: considering refugees as assets for all the economic, cultural and social wealth that they can bring ie. immigrant communities start more businesses and create demand; cite examples of local integration done properly. Education should not only be for the country asylum but should include the country of origin too.
- Large-scale solution must not forget individuals left in protracted refugee situations.
- Rights and ending protracted refugee situations are two separate things. Host countries that pursue local integration need support from the international community.

Role of NGOs

- Specialised knowledge and relationships with governments and UNHCR gives them a unique position.
- NGOs have a key role in identifying PRS and campaigning to end warehousing, not just maintaining care and maintenance.
- NGOs can ensure the primacy of rights and the participation of refugees in finding solutions.
- NGOs must not overpower refugees with their own agendas.

Working Group Solutions

Solutions to refugee rights and accountabilities

- Encourage ratification of the convention for the States that have not signed
- The Right to Identity must be the priority right upheld
- Increase accountability to refugees by changing the attitudes of humanitarian workers, the international community and host countries so that refugee rights are respected.
- Explore new humanitarian service delivery models that incorporate more development activities, away from 'care and maintenance' towards creating conditions that foster economic empowerment and social participation.

Recommendations for IDPs in protracted situations

- Tenable housing for IDPs is important for their stability and ability to rebuild their lives
- Host communities must be considered and supported.
- IDPs must have free choice and be fully involved in all issues that affect them
- Education is critical for people in IDP situations.
- An assessment of need must be mapped and the variety of agencies that will be involved in meeting needs must be identified and hold responsibility for meeting that need.

The engagement of non-state actors

- Engagement of actors through advocacy.
- Engagement of refugees through livelihoods projects.

Links to ARRA issues

- Protracted refugee situations of particular interest to ARRA were not specifically discussed. For example, there was no mention of Rohingya, Mizoram, and Camps along Thai/Burma Border and in Bangladesh or Kakuma Camp in Kenya. Asylum Access raised Malaysia's current policy not to recognise the right to recognition as refugees and rights beyond non-refoulement, although this is scheduled to change next month. This specifically relates to the situation faced by Rohingya in Malaysia amongst other groups.
- Protracted refugee situations in urban settings. No specific mention of refugees in New Delhi.
- Asylum Access mentioned Thailand's –failure to recognise and protect rights of refugees. Thailand has not ratified convention. The importance of pushing for ratification especially in Asia was raised.
- In relation to protracted situations in Africa, e.g. Sudan and Congo– article 2 of African conventions requires states to make best endeavours to provide naturalisation and permanent settlement for refugees in protracted situations.
- The importance of international support for host countries to prevent forced repatriation e.g. Sudan.

AC13: Safety and security of staff

Moderator: Maarten Merkelbach, Security Management Initiative, HPCR International

Speakers: Paul Stromberg, Chief, Field Safety Section, UNHCR
Paul O'Brien, Concern Worldwide

Date and time of session: Tuesday 30 June 2009, 1640-1800

Documenters: Kimberley Ramplin, Tori Vu

Session description

The aim of the session is to highlight some of the current concerns and practices from both the NGO and UN perspectives and to share information and experiences with a view to improving understanding and collaboration on both practical and coordination issues. Issues of particular interest are the importance of perception for the security of humanitarian activities and workers; the particular vulnerabilities of NGOs in the field; and the role of security in ensuring the viability and sustainability of aid programmes.

Key points from the session

- In the context of shrinking humanitarian space and a record number of national and international workers killed (63); there has been a policy shift from 'when to leave?' to 'how to stay?' as of April 2009 following Brahimi Report. The basis for humanitarian operations needs to balance protection needs and staff risk.
- Security is a reciprocal obligation between UN and NGOs; especially given increased reliance on (and possible transference of risk to) national staff and national NGOs as part of outsourcing aid delivery and remote management.

Management of staff security

- UNHCR has begun a process of decentralisation of decision-making to field agencies; and the need to anticipate and incorporate differences in procedures between agencies in context of decentralisation in practical situations. Remote management does not allow for flexibility of decision-making in the field which incorporates dialogues with armed groups or perpetrators of conflict.
- Changes in security management system, instituting greater transparency in security phase systems by removing subjectivity and influencing factors ie. political or economic motives to maintain humanitarian programs in country
- Need to overcome limited understandings of local politics and dynamics through increased training of staff; especially given the risk that security measures prevent engagement with populations of concern.

- Need to integrate security into program management - this way; NGOs can monitor relationship between internal staff and security personnel with local populations, which is crucial to credibility and safety of NGOs.
- Encouraged implementing procedural mechanisms to analyse risk and determine sustainability of programs.

NGOs expressed concern over integrated aid and military UN missions

- Need for increased transparency of objectives, given blurring of discrete responsibilities of security and humanitarian staff in integrated UN missions. This poses hazards for humanitarian actors if the situation has not yet reached a post-conflict stage.
- UNHCR, and not security staff, needs to explain purpose and implementation of aid programs, according to recommendations in Brahimi report.
- UNHCR and donors must take up a greater role in negotiating with States especially in a context where NGOs are at risk of expulsion.

Links to ARRA issues

- None

AC14: Report back on the NGO Consultations

A full report by Elizabeth Campbell, Special Rapporteur, can be found at:

<http://www.unhcr.org/ngo-consultations/Final-Full-Report-on-UNHCR-Annual-Consultations-with-NGOs-29June-1July2009.pdf>

AC15: Closing address by António Guterres, UN High Commissioner for Refugees

Speaker: Antonio Guterres, High Commissioner for Refugees

Date and time of session: Wednesday 1 July 2009, 1100-1300

Documenter names: Geraldine Doney, Ollie White

Notes from Session

“The High Commissioner expressed concerns about the shrinking of humanitarian space. The changing nature of conflicts where there is a multiplicity of actors, makes security unpredictable. In many countries, there is a hardening of attitudes toward foreigners, refugees, and migrants in the name of national sovereignty. Civil-military relations continue to be complex. Increasingly, peace-keeping missions are deployed when there is no peace to keep and so the peace keepers themselves become a party to the conflict. Armed forces increasingly believe it is their role to engage in humanitarian operations, which blurs the lines and leads to insecurity. Integrated missions also make the delivery of aid and protection challenging. There needs to be a separation between the Humanitarian and Resident Coordinator functions.

Moreover, there is a shrinking of asylum space as well. Xenophobia is on the rise across the world, but especially in Europe. Climate change, demographic pressure, and urbanization are all trends that are seen as threatening and often refugees and foreigners are blamed for these changes.

The global media increasingly focuses only on one situation at a time, leaving many dire humanitarian situations out of the spotlight. Without media, there is no money. Without resources, humanitarian crises become forgotten.

Though UNHCR is suffering from the financial crisis, it is not expected that there will be any cuts in programs in 2009.” (Report on UNHCR’s Annual Consultations with non-governmental organisations, 29 June – 1 July 2009, Geneva, Switzerland)

- UNHCR needs to be impartial in the delivery of aid
- UNHCR must respond to needs without discrimination
- There is the need for UN agencies to work with each other on the basis of mutual trust and transparency. In some circumstances, this is not being done well. Opportunities for feedback must be created.
- Working with security forces has been an ongoing challenge for UNHCR. Although in some cases UNHCR has been able to create its own security without engaging security forces, often this is not possible.

- A factor that undermines partnerships is the requirement for national and local NGOs to contribute funds. For most national NGOs this is a burden. Contribution requirements are hindering UNHCR operations.

BRIEF AGENDA OF SIDE MEETINGS

		Tuesday 29 June 2009
SM1	1330-1430	The search for regional solutions: the 10 Point Plan of Action and Rohingyas in Asia
SM2	1330-1430	Integrated solutions to cooking needs and safe water
SM3	1330-1430	Sexual orientation, gender identity and refugee rights: a protection gap?
		Wednesday 30 June 2009
SM4	0830-0930	The forgotten refugees in Latin America
SM5	0830-0930	Launch of the 2009 World Refugee Survey
SM6	0830-0930	Environmental management and human displacement: how are we doing?
SM7	1330-1430	Defining UNHCR's SGBV Agenda 2010-2011
		Thursday 31 June 2009
SM8	0830-0930	Alternatives to immigration detention
SM9	0830-0930	Implementing the Conclusion on Women and Girls at Risk

SUMMARIES OF SIDE MEETINGS

SM1: The search for regional solutions: the 10 Point Plan of Action and Rohingyas in Asia

Moderator: Anna Samson, Asia Pacific Refugee Rights Network
Speakers: Jean-Marie, Senior Desk Officer, Asia Bureau, UNHCR
Chris Lewa, The Arkan Project
Alice Nah, Asia Pacific Refugee Rights Network
Jose Riera, Senior Policy Advisor, Policy Development and Evaluation Service, UNHCR
Kamal Hussein, Burmese Rohingya community in Australia

Date and time of session: Monday 29 June 2009, 1330-1430

Documenters: Ollie White, Chris Daly

Session description

This meeting will use the case study of Rohingya refugees across the Asia-Pacific region to discuss more broadly the issue of developing regional solutions to protracted refugee situations and ensuring protection outcomes in mixed migration flows. In particular, speakers will:

- (a) provide some background to the situation confronting the Rohingya in states across the region and the context of their migration, including endemic SGBV, arbitrary detention, torture, precarious livelihoods and statelessness;
- (b) Discuss UNHCR's 10-Point-Plan of Action on Refugee Protection and Mixed Migration Flows and assess its practical application to the Rohingya case;
- (c) outline the preferred basic elements of "regional solutions" to the Rohingya and other protracted refugee situations - this will include a discussion of the limitations of the 10-point-plan, the Bali Process, and strategic use of resettlement; and
- (d) Begin to develop strategies for NGOs to work together and with UNHCR to promote protection-centred regional solutions to refugee crises in the Asia-Pacific.

Key points from session

- Rohingyas have received less attention than other ethnic groups in Burma. Due to interception, push back and detention, the Rohingyas have gained more international attention of late.
- Violations against Rohingyas include: forced labour, forced eviction & relocation, arbitrary arrest, detention without trial, extortion, torture, extrajudicial killing, stripping of citizenship, denying identity, severe movement restriction, economic strangulation, selective legislation/regulation. Organised propaganda against Rohingyas on their faith, skin colour, culture, language etc.

- In Bangladesh there are 28,000 prima-facie refugees in two camps, assisted by UNHCR and NGOs. Conditions in camps are appalling, although they have improved over the last few years.
- There has been a drive by the Bangladesh Government to demolish camps.
- Estimated 200,000 self-settled Rohingya outside camps, without registration, assistance and protection.
- Another group is in Cox's Bazaar, slum area. There is no mechanism for new arrivals to seek protection.
- The challenge is to find durable solution.
- Boat people crisis

Regional responses

- ASEAN Summit March 2009 – lack of willingness to address the issue.
- Key achievement to get Burma to readmit those upon verification of residence in North Arakan.
- Bali Process – favour bilateral.
- After Bali – Burma built fence along Bangladesh border, creating additional forced labour problem.
- Bangladesh – push back across border.
- Thailand – ceased refoulement.
- Malaysia – reduced deportation to Thailand border.
- Call on UNHCR to release Rohingya and other Persons Of Concern.
- UNHCR has re-started registration process.
- Indonesia – has allowed UNHCR to screen.

Recommendations

- Regional and comprehensive approach is necessary.
- Recognition and respect of Rohingya.
- No forcible returns.
- UNHCR to be granted full access.
- Erika Feller, 10-point plan. Asia-Pacific consultation, Bali Process. (Limited NGO participation).
- Operational focus (strength) – fails to touch on states to receive migrants in systematic manner.
- Focus on mixed migration rather than protection.
- Doesn't address states lack of signatory to legal process – need more focus on building legal framework.
- Key point, information sharing. Concern it works on detriment to refugees (smuggling routes) will intervention have strong protection focus.
- Migrants and refugees don't trust states to look after their interests. Rather rely on migratory channels recommended by family and friends.

Links to ARRA issues

- Rohingya and statelessness.

SM2: Integrated solutions to cooking needs and safe water

Speakers: Patrick Widner, Executive Director, Solar Cookers International
Valentine Ndibalema, Senior Technical Officer, UNHCR

Date and time of session: Monday 29 June 2009, 1330-1430

Documenters: Sarah Uther, Kimberly Ramplin

Session description

The focus of the meeting is to discuss how food preparation needs and the provision of portable water can be met through an integrated approach of using simple technologies. Approximately one third of the world's population still cooks over open fires utilising traditional fuels such as wood, charcoal and other forms of biomass. Through the utilisation of solar energy and solar cookers combined with fuel efficient stoves, hay baskets or fireless cookers, dependence on traditional fuels can be substantially reduced while decreasing environmental devastation and drastically reduce smoke related illnesses. Furthermore, utilising solar energy to pasteurise water by use of the solar cooker can reduce water borne diseases, such as those caused by e-coli, Hepatitis A and Rotaviruses.

Key points from session

Need extension services to support the role of new energy efficient technologies

- Where there is no shortage of firewood, refugees do not see the need to use the new technologies. The program is likely to work in environments where there are government restrictions on collecting firewood or where there is a shortage.
- Other influencing factors include the availability of alternative fuels and water solutions, climatic conditions, cultural considerations and acceptance, methods of delivery and environmental degradation.

NGO integrated cooking projects

- Integrated cooking seeks to help alleviate these limitations by using a package of cooking methodologies including efficient stoves, solar cookers and hay baskets as heat retention devices.
- Solar cookers have been trialled in refugee camps of Aisha, Kakuma, Dadaab, Darfur and Iridimi– a review of these can be found at solarcooking.org
- The Solar Cooker International Water Project in Kenya utilises the Portable Microbiology (PML), the solar cooker, Water Pasteurisation (WAPI) and ceramic water storage container. This group of technologies is known as the Safe Water Package and can detect e-coli and kill viruses such as Hepatitis A virus, cholera and typhoid. Chlorine and products such as AQUATABS also make water safe to

use. The Global Water Initiative through eight major partners is also supporting efforts to make portable water available to all.

Benefits for women and girls

- Women save time on frequently leaving the camp to look and collect firewood, which can take between four and six hours in East Kenya. This allows them time to develop livelihoods through income generating activities.
- It is also a protection mechanism for women and girls who would otherwise be at risk of SGBV while collecting firewood. Sometimes SGBV is triggered by tensions between refugee and host communities over reductions in the supply and distribution of firewood. SCI evaluation of project and its impact on SGBV is available on website.
- However, firewood collection is also an income generating activity and despite women adopting and using the solar cookers they are still leaving the camps to collect firewood to sell.

UNHCR policy

- Main challenges from UNHCR perspective are primarily: community education, the need for on-going extension services, capacity building of implementing partners, securing long term funding partners and cultural adaptations and adoption. UNHCR cited additional which affect energy policy, such as the costs of transportation, distribution and storage of resources.
- NGOs recommended that the promotion of new technologies should be integrated into development with a focus on health, income generation, gender security and education. On top of this, integrating cultural considerations into product design is essential as is the extended services facilitating a higher level of adoption at point of distribution.

SM3: Sexual orientation, gender identity and refugee rights – a protection gap?

Speakers: Jesse Bernstein, Researcher
Neil Grungras, Organization for Refuge, Asylum & Migration
Rachel Levitan, Helsinki Citizens Assembly
Anne Mwangi-Wambugu, HIAS Refugee Trust Kenya
George Okoth-Obbo, Director, Division of International Protection Services, UNHCR

Date and time of session: Monday 29 June 2009, 1330-1430

Documenters: Brendan Joyce, Heike Lautenschlager

Session description

Human rights violations perpetrated against people due to their real or perceived gender identity and sexual orientation constitute an entrenched pattern of serious concern affecting many millions of individuals around the globe. Many of those with differing gender or sexual identities live in constant fear, driving them to search for safe and secure refuge outside of their national borders. This Side Panel will explore the challenges in providing protection and asylum to refugees and asylum-seekers on the grounds of their sexual orientation and/or gender identity. In particular, the panel will identify specific protection issues across a range of thematic areas which require further development and analysis in light of the experience of LGBT refugees and asylum seekers. These areas include: refugee status determination, protection of social/economic rights and physical security in the country of first asylum, detention, and resettlement. The Side Panel will also draw attention to global human rights developments in relation to sexual orientation and gender identity, and will consider the ability of UNHCR and the NGO community to provide a basis for improved protection for these sexual and gender minorities. Finally, the panel will highlight UNHCR's 2008 Guidance Note and on practical ways to benefit from and move forward on its recommendations.

Key points from the session

- The expression of being Lesbian, Gay, Bisexual and Transgender (LGBT) is a crime in over 80 countries in the world. In some, it is subject to the death penalty.
- LGBT refugees face a deeper level of marginalisation and can be discriminated against, harassed and attacked within their own refugee community, leading to isolation. Some have fled due to persecution for homosexuality, to situations where they are surrounded by a homophobic community and must suppress the real reason for their flight

- Staff need to be trained to deal sensitively with these issues and create a safe space for LGBT refugees.
- There is a lack of organisations supporting LGBT refugees and a lack of safe space for LGBT refugees.
- Many times the LGBT population is invisible to staff, who compound issues with negative attitudes.
- LGBT refugees are often targeted in sexual violence.
- Tools at our disposal to address this situation include:
 - International human rights treaties.
 - Human Rights Council has affirmed concerns for LGBT rights
 - Yogyakarta principles. Principle 23 affirms the right of people to attain asylum based upon sexual orientation and gender identity.
- 'Unsafe Haven' Report: Concerns that remain include: violence and harassment, marginalisation from other refugee communities, limited protection from local police, discrimination in housing and access to social assistance, use of survival sex in order to survive and earn income.
- Recommendations include: training for all stakeholders, expedited resettlement, prevention of violence by creating safe environments for LGBT refugees.
- The whole topic is contentious in many countries. Because of criminalisation it is difficult to imagine many countries will be more supportive of addressing the needs of LGBT refugees. Even in more tolerant countries, LGBT are still sometimes victimised. A difficulty exists where advocacy could expose LGBT refugees to further danger.

Links to ARRA issues

- SGBV, particularly in terms of violence targeted on account of sexual orientation or identity
- Women and Girls at risk. There was a suggestion to extend the definition to 'persons at risk'.

SM4: Forgotten refugees in Latin America

Moderator:	Martina Liebsch, Caritas Internationalis
Speakers:	Msgr. Hector Fabio Henao, Caritas Colombia Sr. Janette Ferreira, Caritas Ecuador Merida Morales-O'Donnell, Director, Bureau for the Americas, UNHCR Carlos Santos Repetto, Permanent Mission of Ecuador

Session description

Rationale: When it comes to refugees and IDPs in Latin America the continent is often forgotten. The issue of refugees and IDPs from Colombia is meanwhile affecting the whole region. Currently Colombia has one of the largest population of IDPs (close to 4 million people). Nearly 70 % of IDPs and refugees live in urban settings: capital cities and large or medium-sized towns. Displaced women and children are particularly hit by the violence. UNHCR reports that up to 70 % of Colombians refugees and IDPs live below the poverty line. The responses are not at all satisfying. The commitments made in the context of the Mexico Plan of Action are not yet implemented. Expectations: Raise awareness about the Colombian refugees in other Latin American Countries and elaborate recommendations on ways of strengthening cooperation with relevant stakeholders on how to better address the regional implications of this humanitarian crisis.

Key points from session

- The humanitarian crisis in Columbia continues, with approximately 130,000 refugees from Columbia in Ecuador and many more in Panama and Venezuela. There are large numbers of IDPs in Columbia and Ecuador. Indigenous and Afro-American communities are amongst the most affected.
- Many are displaced within Ecuador because of illegal activities of drug traffickers and guerrillas.
- Cooperation of efforts in Latin America is called for.
- Refugees in Ecuador continue to be marginalised, with many exploited as a source of cheap labour.
- Caritas is addressing various aspects of human mobility, through programs that target employment, access to housing, promotion of rights and small business support, amongst others.
- The enhanced registration process has registered 8,000 refugees since March 2009, with the hope of registering 51, 000 by the end of 2009.
- While registration has improved, many refugees are still marginalised and stereotyped. They are often used for cheap labour.
- At the borders, there is a greater focus on border security over human security.

- Caritas and UNHCR each provide a number of services to refugees from Columbia. The government was commended for granting asylum, but it was acknowledged there is still a shortfall in protecting refugee rights, such as the right to a livelihood.
- The discrepancy between figures available was raised by an NGO. UNHCR and Caritas acknowledged the difficulty in attaining accurate figures in the areas. Data was not considered a major concern to Caritas or UNHCR, as they were more interested in the human problem than statistics.

Links to ARRA issues

- Protracted situations and urban refugees.
- Women and girls at risk & SGBV, including trafficking.

SM5: Launch of Refugee Survey report

Speakers: Anna Samson, Asia Forum for Human Rights and Development
Lavinia Limon, US Committee for Refugees and Immigrants
Temmee Lee, SUARAM

Date and time of session: Tuesday 30 June 2009, 0830-0930

Documenters: Sara Maxwell, Sarah Uther

Session description

Panellists will introduce World Refugee Survey 2009 and discuss reporting and evaluation of refugee protection and advocacy around the world. Of special note, will be the Survey's transition to an interactive, wiki format to allow more immediate, real-time reporting and action. Copies of WRS09 will be available.

Key points from session

- The World Refugee Survey is a qualitative analysis of refugee living conditions and situations that compliments the abundant qualitative research conducted by UNHCR.
- The survey is primarily driven by NGO and community participation and as such is a great bottom up, grassroots advocacy tool.
- The survey will be available online in a Wiki format encouraging greater contributions and participation from NGOs, refugees and others working on the ground.
- Survey data is collected from multiple sources including UNHCR, media, academics and 32 regional NGOs (of whom their input is invaluable).
- The survey highlights the duration of refugee situations, suggesting that over 8 million refugees have been refugees for 10 years or more (pg 26 of the report lists protracted situations by geographic situation).
- Each country is surveyed against a Rights Based approach to the situational analysis of refugee conditions around the world. The following four rights are analysed and reported:
 - The right to non refoulement and physical protection
 - The right not to be detained and have access to courts
 - The right to freedom of movement and residence
 - The right to earn a livelihood
- Warehousing is the term used to describe protracted camp situations. It is used in a demeaning context as it is believed that the refugees suffer rights violations relating to; protection, receive mental and physical abuse, are exposed to the risks of trafficking, resort to survival sex, suffer rape and unjust punishment.

- They live in limbo for many generations and are subject to institutionalised dependency, as well as a loss of skills and their independence.
- USCRI was encouraged by the High Commissioners dialogue on Protracted Refugee Situations last year. They were encouraged by the support shown as States, agencies and civil society acknowledged that it was an untenable situation. However, finding durable solutions for Protracted Situations should not be the only focus. Fixing the warehousing should also be a focus. Until durable solutions are found refugees will continue to live in untenable situations.
 - USCRI strongly argue that the burden of responsibility or responsibility sharing should be referred to as “International opportunity sharing” because of the many positive contributions refugees bring to host communities.
 - When States are listed as worst places for refugees, this encourages dialogue between States and NGO and UN agencies, which USCRI suggests is positive.
 - Kenya is scoring badly, however there are many external and internal constraints that both the NGOs and government need to work within – such as Kenyan refugee policy, terrorism threats, refoulement, overcrowded camps, lack of UNHCR access, large influx of Somalian refugees, long term impact in environment, especially in camps.
 - The report does not put the situation into context; it must demonstrate a greater understanding of the constraints and challenges.
 - Governments need to address constraints otherwise there will be no solution.

Links to ARRA issues

- Protracted situations
- Urban refugees.

SM6: Environmental management and displacement

Speakers: David Stone, ProAct Network
Jock Baker – Care International

Date and time of session: Tuesday 30 June 2009, 0830-0930
Documenters: Ollie White, Ellie Wong

Session description

Environmental impacts are seen in virtually every refugee, returnee or IDP operation, both as a result of conflicts and natural disasters. Some may be short-term but many cause significant long-term impact – something which climate change is already magnifying. This session will explore how and why environmental considerations should be addressed in a timely and consistent manner from the start of a refugee or IDP emergency, drawing on recent experiences in supporting IASC clusters and other examples. Examples of good practice will be highlighted while at the same time describing how “business as usual” approach of international agencies may no longer be appropriate or acceptable in many countries. Lessons learned suggest that more appropriate and sustainable environmental initiatives may be needed. But is there sufficient willingness or understanding within the humanitarian sector to make the necessary changes?

Key points from session:

- The environment is a cross-cutting issue involving forestry, agriculture, etc. Therefore, there is need for a cross-sectoral approach to environmental issues that engages government, NGOs, and community based organisations in the process.
- There are two main approaches to address the environment: a) environmental advisor; b) empower existing specialists to consider the environment (e.g. feeding them information in the project planning stage). Therefore, when considering the environment organisations should adopt the approach that is the best match for that particular context.
- The environment requires both a development and humanitarian/relief response. The One UN approach was highlighted as both an objective and a challenge. There is need for more collaboration between organisations, but this is constrained by organisational differences between UN agencies. Therefore, there needs to be more consultation and joint plans within UN agencies (e.g. UNIFEC, UNESCO, UNDP etc) in relation to the environment and displacement.
- There is a global trend towards increasing natural disaster, internal conflict and internal displacement. Currently the work of UNHCR and other actors are largely

reactive as opposed to preventive. Therefore, there needs to be a shift in focus from disaster response to disaster preparedness.

- Mainstreaming was recognised as best strategy, but that this the specific environment focus should be maintained through monitoring of the implementation of environmental guidelines. Therefore, clusters need to be held account over their commitment to environment through a delegated environmental officer.
- There are important links between environmental concerns and livelihoods for displaced persons. Therefore, livelihood programs should factor in environmental impact in the planning stage of the project cycle.
- Refugee camps and camps for IDPs were recognised as small environment disasters in themselves. Therefore, UNHCR's camp closure guidelines should be followed.
- There needs to be a transfer of skills learnt by the refugees in the camp to their new environment. Therefore, there needs to be diversification of the skills training given to refugees, with particular emphasis given to transferable skills.
- Best practice examples in regards to environmental issues should be collected and used for planning. UNHCR's compilation of best practices was mentioned and is available on PROACT's website: <http://proactnetwork.org/proactwebsite/index.php/assessmentmonitoringevaluation/envtal-best-practices-in-unhcr> . Therefore, considering the influence of specific contexts, best practice should be considered in the planning phrase of programs.

Links to ARRA issues

- Women and girls at risk
- Asia Pacific and Africa issues.

SM7: Defining UNHCR's SGBV agenda, 2010-2011

Speakers: Heidi Leihmann, International Rescue Committee
George Okoth-Obbo, Division of International Protection Services,
UNHCR

Date and time of session: Tuesday 30 June 2009, 1330-1430

Documenters: Heike Lautenschlager, Kimberley Ramplin

Session description

UNHCR seeks to advance its achievements and address the constraints of prevention of, and response to sexual and gender based violence (SGBV), which as one of the most challenging protection concerns for women and girls. UNHCR intends doing this through the elaboration of a clearly defined agenda for the work on prevention and response for UNHCR 2010-2012. The aim of the three-year SGBV agenda is to improve the Organization's ability to work in partnership to provide protection for people of concern. Through this session UNHCR envisages drawing on the inspiration and experience of the NGO community who are at the frontline of addressing SGBV. As the session will take place during the Annual NGO/UNHCR consultations 2009 in Geneva, it avails NGO partners a strategic opportunity to share their views on the direction that UNHCR's work to address SGBV should take.

Key points from session

- Acknowledgment that SGBV does occur against men and boys but disproportionately affects women and girls.
- Need to engage men and boys as allies; comparative SGBV agendas are not helpful, especially when the rape of women affects the men and boys in their families – this is a different way of looking at the impact of rape on men and boys, not just when men and boys are themselves direct victims of sexual violence.
- Need to institutionalise SGBV as a core protection issue through mainstreaming it and recognising the need for specific technical expertise, more comprehensive standard operational procedures and guidelines
- concrete examples of programming and training; reaching out to other parts of civil society (eg security forces and hospitals) to address documentation issues which prevent reporting of SGBV.
- UNHCR need to concentrate on greater due diligence to increase accountability from management to field staff from UNHCR and implementing partners ie. improve behaviour and reduce SGBV perpetrated by staff.
- UNHCR asked for greater information and knowledge sharing with NGOs to build evidence base and look at different training methods.

- Need for consistent distribution of refugee documentation through registration and record systems. A lack of documentation is a disincentive to women reporting SGBV to police or seeking treatment from hospitals.
- Livelihoods as a protection measure; an increase in income and protection as an outcome, not just a discrete policy.
- Need to concretely link SGBV agenda with gender/sexual orientation in more than 80 countries where same-sex acts/relationships are criminalised. LGBT refugees and men and boys who have been raped are often turned away from service providers.
- UNHCR called for electronic information share on SGBV Agenda with NGOs in the lead up to a face-to-face consultation at the next ExCom meeting in October 2009.
- Ensure refugees' voices are heard.
- Support for disaggregated data collection.

Links to ARRA issues

- Women and girls at risk

SM8: Alternatives to immigration detention

Moderator: Mary Meg McCarthy, Heartland Alliance, National Immigrant Justice Centre

Speakers: Grant Mitchell, International Detention Coalition
Jerome Phelps, London Detainee Support Group
Jane Rasmussen, Senior Legal Officer, Division of International Protection Services, UNHCR
Pieter Stockmans, Flemish Refugee Action

Date and time of session: Wednesday 1 July 2009, 0830-0930

Documenters: Brendan Joyce, Kimberley Ramplin

Session description

Background: Governments around the world are increasingly using detention as a migration management tool, with hundreds of thousands of men, women and children detained in conditions falling below international standards and that deny basic rights. Where a government intends to detain a person for immigration-related reasons, it should first consider and pursue alternatives before detention, in compliance with international and regional human rights standards. However many governments that utilize alternatives to detention, focus on restrictive or intrusive options, or on different forms of detention, such as electronic tagging or family detention centres.

Expectation: Individuals and groups are invited to share experiences of examples of alternatives to detention, good practice, challenges and lessons learned and to input directly into a handbook being written by the International Detention Coalition for States and civil society on alternatives to detention. The session aims to draw out the key components required to implement community-based alternatives to detention that ensure the rights, dignity and wellbeing of refugees, asylum seekers and migrants, while meeting government and community expectations.

Key points from session

- Detention should only be considered as a last resort.
- Models of detention and its alternatives vary from imprisonment, to house arrest, to community detention to case management.
- Different models in alternatives were discussed in Belgium, UK and Australia. Australia seems to offer the best practice of these models. Alternatives work best when asylum seekers and migrants are engaged very early in the asylum process and are able to work out the legal process and how asylum decisions are made. They should have a focus on broader welfare outcomes eg. Psychosocial support, health needs; and not just on returns.

- Advocacy by NGOs in both the civil and government sector is necessary to change attitudes and build the call for ending detention and creating awareness of alternative models. NGOs can play a central role in policy development and implementation.
- Advocacy strategies include: demonstrate impact of detention particularly on vulnerable groups, eg. through publishing refugees' voices and stories; establish broad-based support in civil society beyond NGOs eg. Trade unions, psychiatry and health experts, educational institutions; demonstrate that effective alternatives exist; engaging civil society and broader community in constructive dialogue with government.
- IDC will produce a handbook directed at states, UN and civil society, specifically addressing alternatives to detention in different contexts as compatible with international law. UNHCR is trying to incorporate the Guidelines on Detention into the 10 Point Plan, specifically in relation to Point 4: reception arrangements for mixed migratory movements.
- A discussion of 'alternatives to detention' risks implying that detention should be the default reality; rather than aiming for 'no detention' as a rule. This is particularly important in non-signatory countries, many in the Asian region. Understandings of this term vary, as sometimes the programs called alternatives are, in effect, still forms of detention.

Links to ARRA issues

- Rohingya – how to work to improve practices of non-signatory countries.
- Urban refugees and protracted situations.

SM9: Implementing the Conclusion on Women and Girls at Risk

Moderator: Geraldine Doney, Centre for Refugee Research
Speakers: Eileen Pittaway, Centre for Refugee Research
Joan Timoney, Women's Refugee Commission
Naoko Obi, Chief, Community Development Gender Equality and
Children Section, UNHCR

Date and time of session: Wednesday 2 July 2009, 0830-0930

Documenters: Ellie Wong, Heike Lautenschlager

Session description

The Conclusion on the Protection of Women and Girls at Risk was adopted at the 2006 ExCom. An International NGO working group formed to monitor the use of the Conclusion and to ensure that the commitments made in the Conclusion were implemented. They will present a report of the progress to date and the challenges to its full realization. Discussion will focus on strategies to improve the protection of women and girls and will focus on the issue of livelihoods as a protection measure. Livelihoods interventions in UNHCR allow refugees, asylum seekers, internally displaced people (IDPs) to protect and build their own resources, and forge their own futures. This is critical to maintain their sense of purpose and normality, and their dignity. Self-reliance amongst displaced women has also a strong protection aspect. Self reliance give women freedom from dependency, empower them and gain them respect and recognition. Self reliance enhances their capacity to support their families and their preparedness for return, local integration, or resettlement. Women who suffered SGBV can re-gain confidence in becoming self supporting and reintegrating themselves into the community, as active part of it.

Key points from session

- The key outcome for this session was to evaluate: a) how the AGDM framework could be turned into a good monitoring tool for NGOs, and b) how to make best use of the working group, website and resource database
- Conclusions are a vital and effective tool for advocacy and can be used to hold states accountable for the promises they agree to.
- The session updated the progress of the Working Group: It has been up and running for a year totally, however it remains unfunded, thus progress is slow. A website for the monitoring of the Conclusion has been created, and the establishment of an electronic resource database is underway.

Livelihoods

- A key protection measure, not merely a tool for income generation. If programs are not targeted and do not result in women earning an income, then their purpose as a protection tool is compromised.
- Livelihoods projects must be developed within the context of the economic market, creating skills for which jobs are available and that are transferable upon resettlement. It was also noted that work, especially in the informal sector, may create risk, vulnerability and situations of exploitation.
- Recommendations: 1) Staff on SGBV should work together with staff working on livelihood programs, in order to work through a 'gender lens'. 2) Ensure that women have a control over the resources that they are earning, 3) Engaging men and boys in addressing protection concerns of women and girls, 4) More investment in 'cottage industries' so that women can work from home.

AGDM framework

- A key mechanism through which NGOs can make UNCHR more accountable on its commitment to the conclusion. It aims to create an enabling environment for the implementation of the Conclusion.
- AGDM is a simple check box format, indicating compliance in four areas of concern: 1) Mainstreaming of AGDM, 2) Enhanced protection of women and girls, 3) Protection of children, including adolescents, 4) Enhanced response to SGBV.
- 10 over-the-phone spot checks were conducted to make the process more transparent.
- When identifying areas that prevented UNHCR staff from fully implementing AGDM, the reasons given were primarily: 1) Lack of resources, 2) Lack of staff, and 3) Lack of partnerships/lack of partner engagement

Recommendations

- In order to prevent SGBV, boys and men must be included and considered in project design
- Beneficiaries must be involved in the project planning process
- Resource sharing could occur through a network/email list with areas of concern to be prioritized by members. Sub-groups should be made responsible for certain areas of concern in order to conduct research into gaps in these areas. A 'wiki', such as that created for the World Refugee Survey, could be made. The online network would be beneficial as the group is unable to meet regularly due to geographical distance.
- US\$25,000 is needed for funding. Suggestions were brought forward, including through the World Bank, Post Conflict Unit – it was noted that showing a united front would bring weight to the cause.
- NGOs should be involved in the AGDM monitoring process, possibly through a peer-review framework, especially considering the 'tick the box' nature of the tool, which can be inaccurate.

- There were calls from NGOs for the AGDM framework to be built into Focus Software.

Links to ARRA issues

- Protection of women and girls at risk
- Implementation of the Conclusion on Women and Girls at Risk

APPENDICES: ARRA PAPERS

NO PLACE TO GO: ROHINGYA ON THE HIGH SEAS

Statement from Burmese Rohingya Community Australia (BRCA)
June 2009

Persecution within Burma

Burma, officially known as Myanmar, is a resource-rich and diverse South-East Asian nation. Its population of more than 50 million is made up of numerous ethnic groups. Burma has become notorious for its very bad human rights record during the successive military regimes which have followed its 1962 military coup. The **Rohingya** are an ethnic and religious minority group that has been subjected to particularly severe and systematic human rights violations under the current Burmese military regime. As a result, significant numbers of Rohingyas have been living in deplorable conditions within neighbouring countries for decades, as both documented and undocumented refugees. The suffering of these Rohingya refugees is severe, chronic, persistent and progressive in nature, and we are therefore seeking immediate and priority attention to their plight from UNHCR.

The Rohingya are natives of Arakan (also known as 'Rakhine'), in the Western Province of Burma, where their existence can be traced back many centuries. The Rohingya enjoyed democratic rights during Prime Minister U Nu's parliamentary government, prior to the 1962 coup.^{1,2} The Rohingya lost their political and constitutional identity when the military government, led by General Ne Win, promulgated the Citizenship Act of Burma in 1982. The Act effectively denies the Rohingya recognition of their status as a Burmese ethnic minority group (they are not listed among the 135 officially recognised "ethnic nationalities"), consequently rendering them stateless. Harsh discrimination against the Rohingya has followed introduction of this legislation, with the vast majority left without national identity cards.^{1,2} The long-standing persecution of the Rohingya has included forced labour, extortion, detention without trial, confiscation of land and properties, severe restrictions on movement (and consequently on access to education and health care), economic strangulation, marriage restrictions and exorbitant arbitrary taxation.^{3,4,5}

Rohingya refugees in Asia

Bangladesh is the first country of asylum for most Rohingya refugees. There are approximately 28,000 Rohingyas from Burma living as recognized refugees in camps in southern Bangladesh, dependent on the UN and the international community. An estimated 200,000 other Rohingyas live illegally outside the camps. There have been two major exoduses of Rohingyas from Burma to Bangladesh. The first occurred in 1978

and the second in 1991-1992. Around 250,000 Rohingya crossed into the Chittagong area of Bangladesh during each exodus. Although many were repatriated involuntarily to Burma, some later returned to Bangladesh, along with new groups fleeing persecution and harsh taxation. Those living in Bangladesh contend with severe poverty and strained relations with the local community. Rohingyas continue to flee from Burma. However, many now choose to try to reach Malaysia by sea rather than seeking refuge in Bangladesh. Although the living conditions in the remaining refugee camps in Bangladesh have improved marginally over the past two years, living standards are still primitive and options for resettlement are slim.^{6,7} Thousands more Rohingya desperately try to survive along the Bangladesh coastline and border with Burma. The Bangladeshi authorities refuse to register the Rohingyas as refugees if they are outside of the camps, leaving them without protection and without access to basic services.⁸ Unable to return to their own country and with limited options in Bangladesh, the situation of the Rohingya is desperate.

There are more than 15,000 Rohingya refugees registered in Malaysia, many of whom have been there for close to 20 years. As Malaysia does not recognize refugees seeking protection in its country, Rohingyas are targeted by Malaysian authorities for detention and deportation, regardless of whether they hold UNHCR registration cards. Malaysian authorities routinely hand over Rohingya deportees to human traffickers at the Thai-Malaysian border, who then demand payment from them for their release. This vicious cycle of detention, deportation, exploitation and re-entry has been experienced by the majority of Rohingya refugees in Malaysia.⁹

Despite the incredible engagement of UNHCR with the plight of the Rohingya in Bangladesh and Burma since 1978, the UNHCR Regional Office in Kuala Lumpur has regrettably taken a far less attentive approach to Rohingya refugees in Malaysia. The Rohingya comprise over a third of the 47,600 registered refugees in Malaysia. A total of 6000 refugees were resettled from Malaysia to safe third countries over the last year alone. However, as at end of 2008, a total of only 45 Rohingya refugees had been referred for resettlement from Malaysia since 2007.^{10,11} UNHCR has sidelined Rohingya refugees for a decade, during futile consultations with the Malaysian Government, seeking a separate solution. Throughout this process, the Rohingya have been excluded from consideration for resettlement, despite this being an option that remains available to other Burmese refugees within Malaysia. UNHCR Malaysia has not registered new Rohingya as refugees, except for the most vulnerable, since December 2005.^{10,12}

Rohingya refugees recently received significant international media attention, after hundreds were set adrift in unseaworthy boats off the coast of Thailand.⁸ Rather than formally considering the Rohingya issue at their annual summit, ASEAN leaders referred the matter to the “Bali Process for People Smuggling”, which in turn relegated the discussion to an ad hoc working group.¹³ Racist disdain for the Rohingya by the Burmese authorities was exemplified recently in Burmese diplomatic correspondence which characterized the Rohingya “as ugly as ogres”. This ought to be beyond the tolerance of international civil society.^{8,14} The cumulative impact of the matters

described is not only revealing the darkest side of the human rights record of Burma but also that of neighbouring ASEAN countries.

Despite decades of severe repression, there has been only a minimal international response to the needs of the extremely vulnerable Rohingya population compared to other Burmese refugees. The UNHCR and donor governments should integrate the Rohingya into their regional responses for Burmese refugees. Although 49,930 Burmese have been resettled from 2005 to 2008, the first Rohingya have just begun to resettle with 500 openings in 2008 in Bangladesh. While resettlement can never be the only durable solution, it could address a critical component of the Rohingya's condition, namely providing citizenship right to a stateless population.¹⁰

Appeal for international support

The Burmese Rohingya Community Australia (BRCA) greatly appreciates the consideration given by UNHCR, donor countries and NGOs to the plight of the Rohingya. In view of the desperate situation of the Rohingya both within Burma and within countries of asylum, we, BRCA, make the following urgent appeals:

1. To the **Member States of the United Nations**: to demand of the military regime of Burma, that it end the persecution and human rights abuse of the Rohingya and confer them full citizenship rights.
2. To the **Member States of the United Nations**: to encourage Bangladesh, Malaysia, Indonesia and Thailand to treat Rohingya refugees humanely.
3. To the **UNHCR Regional Office in Malaysia**: to ensure that Rohingya refugees in Malaysia are given necessary care within the UNHCR mandate and Refugee Convention. The Rohingya should be given access to the same opportunities for registration and resettlement as other Burmese refugees in Malaysia.
4. To the **UNHCR headquarters**: to prioritise resettlement as a viable durable solution for Rohingya refugees and to increase the rate of referrals for resettlement to safe third countries of Rohingya refugees located in Bangladesh refugee camps and in Malaysia.
5. To the **UNHCR headquarters**: to strengthen cooperation with Australia, UK, USA, Canada, New Zealand and European countries with a view to engaging their full commitment in securing durable solutions for Rohingya refugees, particularly via increased resettlement efforts.

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Australian Refugee Rights Alliance
“No Compromise on Human Rights”

***Sri Lankan IDPs and asylum-seekers:
Protection concerns and challenges***

Anna Samson

18 June 2009

Available at www.refugeecouncil.org.au

1. Introduction

This paper provides a brief outline of the current protection situation in Sri Lanka as well as the key issues confronting IDPs and human rights defenders in the country. It draws on the experiences of nationals currently working within Sri Lanka directly with IDP populations, as well as local and exiled human rights defenders, some of whom are also in regular communication with the Government of Sri Lanka.¹

There are currently 660,000 IDPs in Sri Lanka. These comprise 300,000 people displaced in the most recent phase of the conflict between the Sri Lankan military and the Liberation Tigers of Tamil Eelam (LTTE) plus the more than 360,000 IDPs who have been displaced since the resumption of hostilities between the military and the LTTE after the end of the 2002 ceasefire.²

Although the armed conflict in Sri Lanka has officially ended, it is clear that protection of civilian populations, particularly those in the IDP camps and those who are critical of the government's activities, is precarious at best and life-threatening at worst. The unwillingness of the Sri Lankan government to provide independent access for local and international humanitarian and human rights organisations, or independent access to local and foreign media to document and monitor the treatment of IDPs, human rights defenders and civilians, is further compromising the security of these individuals. Weak rule of law and the widespread impunity of non-state actors committing human rights violations is further compounding the situation.

Given these circumstances, it is clear that it is far too early for states hosting Sri Lankan asylum-seekers or refugees to consider activating the cessation clause of the *1951 Convention relating to the Status of Refugees* (Refugee Convention). In the absence of adequate, independently verifiable, country of origin information, UNHCR's guidelines on protection needs for Sri Lankan asylum-seekers³ should be considered by states to remain the preferred basis for assessing applications for refugee status, particularly when determining the availability of "internal flight" options. UNHCR, NGOs and states must continue to publicly demand that the Sri Lankan government provide open access to all IDP camps for UNHCR and humanitarian relief organisations; ensure freedom of

¹ Due to the risk that continues to be posed personally to human rights defenders and humanitarian workers, as well as the risk to aid programmes and human rights protection work in Sri Lanka from adverse public commentary on the actions of the Sri Lankan government, it is not possible to list all those who have contributed the evidence upon which this paper is based. All questions regarding this paper should be directed to the author: Anna Samson <refugee@forum-asia.org>.

² Internal Displacement Monitoring Centre, [Tens of Thousands Newly Displaced in 2008, leading to Almost Half a Million IDPs](#), April 2009; interview with UNHCR representative in Sri Lanka, Amin Awad, quoted in Shanika Sriyanada, ["IDP Camps in Good Condition - UN Envoy in Sri Lanka"](#), *Sunday Observer*, 21 June 2009. For reasons outlined later in the paper, exact, independently verified numbers of IDPs remain unavailable.

³ UNHCR, [Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka](#), April 2009.

movement and family reunification for those within the camps; and commit to respecting international human rights law and principles for all within Sri Lanka. In addition, the relative public silence of UNHCR on key questions of protection for both IDPs (including continued detention within IDP camps) and the general protection situation in Sri Lanka is both undermining the efforts of human rights defenders to create a post-war environment in which the human rights of all Sri Lankans are protected and reducing the political space available for human rights activists to challenge the government on gross human rights violations that have continued to occur in the aftermath of the war.

8. Background to the current protection situation in Sri Lanka

On 18 May 2009 the Sri Lankan government declared that its efforts to militarily defeat the LTTE had been successful. This announcement followed a dramatic escalation of hostilities between the Sri Lankan armed forces and the LTTE over the previous six months which was characterised by serious human rights violations. As part of its war effort, the Government of Sri Lanka was found to have attacked civilian infrastructure - including schools and medical facilities, killed thousands of civilians,⁴ severely restricted reporting by international media and curtailed the provision of humanitarian assistance by international aid organisations. For its part the LTTE placed restrictions on the rights of civilians to move freely and conscripted children.⁵

The most recent phase of the conflict also gave rise to the displacement of 280,000-300,000 people who fled the LTTE-controlled areas in the north of country and are being held in 41 camps.⁶ In addition, Sri Lankans continue to feature heavily in asylum caseloads in the region, including in Thailand, Malaysia and India, and further afield in states such as Canada, the UK, Australia and Switzerland.⁷

While the military bombardment and armed attacks may have ended, the humanitarian protection situation remains unstable. The Sri Lankan government is yet to remove many of the restrictions or draconian laws and operating procedures it adopted apparently on account of its efforts to deal with the threat it determined was posed by the LTTE. The government argues that such restrictions must remain in place into the foreseeable future while it

⁴ The final death toll has not been released and is difficult to independently verify because of the restrictions that were placed on reporting by foreign media and humanitarian workers within the conflict zone. However, estimates are placed at 20,000. (See: Catherine Philp and Michael Evans, "[Times Photographs Expose Sri Lanka's Lie on Civilian Deaths at Beach](#)", *Times Online*, 29 May 2009.)

⁵ See, for instance, Human Rights Watch, "[War on the Displaced: Sri Lankan Army and LTTE Abuses against Civilians in the Vanni](#)", February 2009.

⁶ UNHCR, *Statement by the Office of the United Nations High Commissioner for Refugees at the 11th Special Session of the Human Rights Council on "The Human Rights Situation in Sri Lanka"*, 26-27 May 2009.

⁷ The flows of asylum-seekers have continued after the official end of the war; see, for example: "[19 Lankan refugees reach Rameswaram](#)", *The Daily Mirror*, 5 June 2009.

works to remove all remnants of LTTE militancy. In particular, the Sri Lankan government argues that LTTE members and sympathisers may have penetrated the IDP camps. However, it is unclear what precisely is entailed in these screening and so-called anti-terrorism policies, or what protection safeguards are in place to ensure that human rights violations do not occur in their implementation, post-conflict.

7. Protection concerns for IDPs in Sri Lanka

As with the total numbers of casualties resulting from the conflict, the total number of displaced people in Sri Lanka has not been independently verified. The numbers are also indeterminate because apart from government officials, no other person with access to IDP camps is able to openly compile data on displaced people, record testimonies, or collect evidence on potential international law or human rights violations.

IDPs in Sri Lanka are confronted with:

- **Military-controlled IDP camps.** All requests for civilian or joint civilian-military operation of these camps have been rejected by the Sri Lankan government. IDPs - the overwhelming majority of whom are from the Tamil minority - have their daily lives overseen by armed military officers.
- **Lack of freedom of movement amounting to indefinite, arbitrary detention.** The IDP camps operate as open air prisons. IDPs are not permitted to enter or leave camps at will. Despite repeated requests the Sri Lankan government refuses to indicate when IDPs will be permitted to exercise their right to freedom of movement.⁸ It is unclear why such detention is considered necessary by the Sri Lankan government which required all IDPs to undergo a screening process to isolate LTTE militants and sympathisers prior to permitting individuals entry to the IDP camps.⁹ Such detention of IDPs commenced as early as 2008 in some camps including Kallimodai and Mannar, however at that time, numbers were only in their hundreds as opposed to the hundreds of thousands imprisoned now.
- **Attempts to create an IDP "super-camp".** At present the majority of IDPs are detained within five camps. The Sri Lankan government is pursuing a policy of camp consolidation which will see a super-camp created to accommodate (and effectively detain) 280,000 people. While the Sri Lankan government and international agencies have suggested that it may be possible to provide for the basic, *physical* needs of IDPs in such a large camp in the very short term, the sustainability of the camp, particularly in

⁸ In response to international pressure the Sri Lankan government has released 1500 IDPs over the age of 60 years old and persons with specific needs (UNHCR, *Statement by the Office of the United Nations High Commissioner for Refugees at the 11th Special Session of the Human Rights Council on "The Human Rights Situation in Sri Lanka"*, 26-27 May 2009.) A further 2000 IDPs have been resettled.

⁹ The Centre for Policy Alternatives is currently pursuing a legal challenge to the detention of IDPs in Sri Lanka.

terms of ensuring *protection* for all within it in accordance of international law and camp management standards, is questionable. In particular, disease outbreaks and sexual and gender-based violence, as well as mental and somatic health problems arising from detention, pose very real risks.

- **No ability to reunite with families.** In a number of instances families fleeing the direct conflict zone did so at different times, were separated during their journeys, or were directed to different camps. Individuals from the same family - including children - are presently not permitted to reunite with other family members held in different camps,¹⁰ or to reunite with relatives outside of the camps. Camp consolidation will also not necessarily facilitate family reunification.
- **Subsistence humanitarian assistance provided within a constrained protection environment.** The Sri Lankan government, as well as those few local NGOs and international agencies permitted access to the camps, are at present, successfully meeting basic food, shelter, water, sanitation and clothing needs for IDPs. That said, one local NGO currently providing food for approximately 45,000 IDPs has indicated that it will find it extremely difficult to continue present levels of support for longer than three to four months. However, it is important to note that the meeting of these subsistence needs is occurring within an extremely constrained protection environment. The Sri Lankan military is directly responsible for the distribution of food aid provided by international agencies. Restrictions on vehicle movements into the camps (because the government is concerned about the dust such movements cause) have only been relaxed slightly and have further hampered the capacity of aid agencies to oversee distribution of their humanitarian assistance. Additionally, all of the 52 agencies accredited by the Sri Lankan government to work within the camps are not permitted to take notebooks, mobile phones or recording equipment into the camps to document any of their observations or the experiences and case histories of the IDPs whom they are assisting. Maintenance of accreditation status and access to is also contingent on refraining from publicly criticising the Sri Lankan government activities.
- **Frequent military incursions, searches and arrests within the camps.** Arbitrary searches, arrests and presumably detention are regularly practiced by the Sri Lankan military when the camps are unattended by humanitarian aid workers. At least 20-30 young men have been reported to be snatched daily from within the IDP camps.¹¹ Such actions are particularly disturbing in the context of the absence of an open, official registration and

¹⁰ The Sri Lankan government has privately indicated that it will permit limited family reunion for IDP children within camps, however, freedom of movement will still be restricted. Human rights organisations in Sri Lanka have commenced legal proceedings to challenge denials of requests for family reunion.

¹¹ Evidence of Sunila Abeysekara reported by BBCSinhala.com, "[Youth 'Disappear' from IDP Camps](#)", 15 June 2009. Ms Abeysekara is a Director of INFORM and IWRAW. She is a winner of the UN Human Rights Award in 1998 and the Human Rights Watch Human Rights Defender award in 2007.

documentation process for all IDPs overseen by international or local humanitarian protection agencies.

- **“Screening” procedures of IDPs not open to public, international scrutiny.** The Sri Lankan government continues to conduct “screening” of all IDPs before they are permitted to formally enter IDP camps, as well as of those IDPs it believes are associated with or sympathetic to the LTTE. The putative intent is to ensure that LTTE militants do not enter the IDP camps or attempt to use IDPs to revive the LTTE. However, screening is conducted by the Sri Lankan armed forces, without the presence of lawyers, support people or local human rights observers, and is not time-limited.¹² Those IDPs screened out of the IDP camps are held *incommunicado* in dedicated facilities. It is unclear as to whether this detention is pursuant to Sri Lanka’s *Prevention of Terrorism Act*, or other government policies. What is apparent is that *habeas corpus* rights are restricted as is public monitoring of the conditions of detention. This is especially problematic given the well-documented, state-sanctioned use of torture and extra-judicial killings as well as cruel, inhuman and degrading punishment by the Sri Lankan government as part of its anti-terrorism activities.¹³
- **Severe and widespread psycho-social trauma.** Men, women and children have witnessed and experienced significant traumatic events, some over the course of many years. Appropriate mental health care is presently unavailable within the IDP camps.
- **Unmet physical health needs.** Many IDPs are suffering serious physical injuries occasioned by indiscriminate shelling, mine explosions, and other attacks during the conflict. In some cases these IDPs require complex medical and rehabilitation treatment that cannot be adequately or appropriately provided within a closed camp situation.¹⁴
- **Limited protections for vulnerable groups.** NGOs and international agencies with access to the camps are prioritising the needs of vulnerable groups such as pregnant women, the elderly and those with disability, however, resources are inadequate to meet current needs. The protection of unaccompanied children is a concern with reports indicating that more than 850 orphans have been identified within the camps.¹⁵ Anecdotal evidence further indicates that many more children have been separated from their families and are unaware of the location of their relatives. In addition, there are reports of significant risks and occurrences of sexual and gender-based violence in the camps arising because there are inadequate

¹² In response to calls for international monitoring of screening processes, ICRC has now been given the opportunity to monitor screenings, although it is unclear if they have access to all IDP screening facilities. Reports of ICRC’s findings as to the adherence of such screening procedures to international law or basic human rights standards are not made public.

¹³ International Council of Jurists, [“Eminent Jurists assess Counter-Terrorism Laws in South Asia”](#), 2 March 2007.

¹⁴ Dean Nelson, [“Up to 30,000 ‘Disabled’ by Sri Lankan Shells”](#), *Telegraph*, 24 May 2009.

¹⁵ Kelum Bandara, [“Children in Camps Looked After Well: Jayasena”](#), *Daily Mirror*, 12 June 2009.

protections for women and girls.¹⁶ Women and girls who have experienced sexual and gender-based violence prior to entering the camps are also not receiving appropriate physical and psycho-social care.

- **Confiscation of personal assets.** IDPs entering the camps were forced to hand over their personal valuables, including jewellery, to the Sri Lankan military upon entering the camps. It was suggested that the government would deposit these valuables - totalling USD3.3 million - in government banks for safe-keeping and in the interests of the IDPs, however, evidence of this is yet to be provided.
- **Lengthy stays within IDP camps as return and resettlement options remain limited.** To date, only 4000 IDPs have been offered the opportunity to return home.¹⁷ Repatriation and resettlement is difficult because of the lack of adequate housing and infrastructure and the need to clear mines from residential areas. The Sri Lankan government maintains that resettlement will occur "within 180 days".¹⁸ This timeline is considered very ambitious by NGOs who point to the fact that resettlement took almost four years post-Asian tsunami in a far less politically-charged environment, with far fewer restrictions placed on the movements of IDPs and aid agencies.
- **Limited or no access to UNHCR.** Under international law, UNHCR has a protection mandate for IDPs. Fulfilment of this mandate is not satisfied simply through the provision of services within camps, but also amounts to access to IDP populations to independently document cases and ensure substantive protection.

6. Issues for people working with displaced populations in Sri Lanka

Fifty-two agencies have been officially permitted to provide aid to IDP populations in Sri Lanka.¹⁹ However, as highlighted above, severe restrictions have been placed on the operations of all organisations and individuals by the Sri Lankan government, be they international or local, humanitarian aid- or human rights-focused. These restrictions were in place prior to the end of the conflict and have continued in the post-conflict situation. They include:

- Mandatory military screening of all individuals working for these agencies to ascertain potential LTTE affiliation or sympathy;
- Blanket refusal to allow some agencies to operate on the basis that in the past these agencies may have worked within LTTE-controlled areas or criticised the Sri Lankan government's human rights record;

¹⁶ For instance, women in some camps have been required to share tents with men to whom they are not related.

¹⁷ Internal Displacement Monitoring Centre, [News Alert](#), 11 June 2009.

¹⁸ The Hindu, [Rajapaksa Invites Lankan Editors to Visit Refugee Camps](#), 6 June 2009.

¹⁹ Statement of Neville de Silva, Representative of the Sri Lankan Embassy, Bangkok, 16 June 2009.

- Very high risk of revocation of permission to operate within Sri Lanka should these agencies be observed publicly criticising the Sri Lankan government's treatment of IDPs or its actions during and post-conflict;
- Inability of some international agencies to control the distribution of aid resources which is instead conducted by the Sri Lankan military, leading to a blurring of civilian-military operations and the creation of false perceptions regarding the material support provided to IDPs;²⁰ and
- No ability to formally document numbers, names, identities, testimonies or experiences of IDPs leading to situations where some NGOs are even unsure that the aid they are distributing is reaching the same individuals each time.

The treatment of IDPs and the context within which humanitarian aid and protection agencies are forced to operate in Sri Lanka raises a number of questions for UNHCR, other UN agencies, NGOs and the broader international community, including:

- To what extent is it possible for international agencies and NGOs to continue to provide humanitarian assistance (such as food, clothing and shelter) to IDPs in an environment in which IDPs are prevented from enjoying other basic human rights such as freedom of movement, freedom of expression and the right to family?
- To what extent does the continued provision of aid within an otherwise human rights restrictive environment contribute to the legitimising of state policies that undermine human rights?
- How do international agencies and NGOs avoid their protection and humanitarian assistance mandates being effectively held to ransom by states imposing draconian pre-conditions on the exercise of those mandates?
- To what extent is it reasonable for international agencies, such as UNHCR, that have clear international protection mandates, to limit or temper their public criticism of recalcitrant, rights-violating states, because they fear such criticism will lead to removal of their permission to operate within the state? When does this "balancing act" slip into acquiescence or create a cloak of legitimacy for poor state actions?
- Is arbitrary, indefinite detention of IDPs in Sri Lanka functioning as an example to other states in the region of an acceptable method for controlling displaced populations? What steps are NGOs and UNHCR taking to prevent the development of such a norm?
- How does the treatment of IDPs reflect and impact on the broader protection space available to all citizens across Sri Lanka?

²⁰ ["Oxfam Urges Sri Lankan Government to Lift Restrictions as Conditions in Displaced Camps Deteriorate"](#). Media Release, 22 May 2009, Oxfam International.

- How do state actions ostensibly aimed at fighting terrorism, coupled with the presumption that international agencies will step in to meet any arising humanitarian needs, impact on questions of protection and humanitarian responsibility?

5. Treatment of human rights defenders and evidence of persecution in Sri Lanka

During the decades-long armed fighting between the LTTE and the Sri Lankan government, human rights abuses were systematic, systemic and conducted with impunity. The LTTE, the Sri Lankan military and para-military forces have been identified as directly responsible for or instigators of egregious human rights violations documented extensively by human rights organisations and UN Human Rights Council Special Procedures Mandate holders. Such actions include:

- disappearances, assaults and extra-judicial murders of journalists, religious leaders, human rights activists, medical professionals, lawyers, parliamentarians and humanitarian aid workers;
- arbitrary detention of individuals considered critical of the Sri Lankan government;
- the use of rape as a weapon of war;
- restrictions on freedom of movement; and
- the use of torture.²¹

It would be very premature to suggest that the cessation of the armed conflict has concomitantly brought about an end to widespread human rights abuses or the generalised climate of fear that exists, particularly among Tamil communities and human rights defenders within the country. Such fears are well-founded given that:

- Sri Lankans continue to be arrested and detained on a daily basis for alleged crimes committed against the state and purported association with the LTTE

²¹ See, for example: UN Commission on Human Rights, 62nd Session, *Civil and Political Rights including the Question of Religious Intolerance*, [Report submitted by the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir: Addendum - Mission to Sri Lanka](#), December 2005; UN Commission on Human Rights 62nd Session, [Report of the Special Rapporteur, Philip Alston, Addendum - Mission to Sri Lanka \(28 November to 6 December 2005\)](#); and UN Human Rights Council, 7th Session, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*, [Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak - Mission to Sri Lanka](#), February 2008. Other human rights violations not specifically targeting human rights defenders, such as the use of child soldiers and conscription, have also been widely documented in these and other reports.

- arrestees include journalists, human rights activists, doctors and civil servants who worked within (formerly) LTTE-controlled areas;²²
- Hundreds of people arrested pursuant to the *Prevention of Terrorism Act*, and other legislation remain in detention (some for many years) without the right to *habeas corpus* - such legislation and its use is widely considered disproportionate to the aims sought to be achieved, particularly following the military defeat of the LTTE;
- Government officials have to date refused to directly address or provide a blueprint for addressing the political grievances or concerns of Tamil peoples and other minority groups regarding systemic discrimination, instead suggesting that the only real divisions within the country are those that exist between patriots and traitors;
- Sri Lankan government representatives have indicated that as part of their efforts to remove the LTTE, they are interested in curtailing international support (financial and otherwise) of the LTTE from the Tamil diaspora, which the government construes as amounting to support for terrorism;
- Many human rights defenders and civil society organisations state privately that they are acutely afraid of speaking out against government actions, in some instance even more so than during the conflict - Sri Lankan government officials continue to maintain that any speech or actions of individuals that it considers to “undermine the military campaign against the LTTE” should be treated as collaborators and “dealt with” under the *Prevention of Terrorism Act*;²³
- No processes are being discussed, let alone concretely established, to fully investigate and prosecute the individuals responsible for disappearances, extra-judicial killings, torture and assaults that occurred during the conflict;²⁴

²² Cases include reprisals against human rights defenders who spoke at the recent UN Human Rights Council 11th Special Session on “The Human Rights Situation in Sri Lanka”; the abduction and assault of journalist Poddala Jayantha; threatening letters sent to the CPA; and the detention of doctors and priests who were caring for displaced peoples during the war.

²³ Statements of Neville de Silva, Representative of the Sri Lankan Embassy, Bangkok and Rajpal Abeynayake, former journalist with state-run newspaper, *Sunday Observer*, currently editor of *Lakbima News*, 16 June 2009.

²⁴ Such human rights violations are well-documented and extensive. For a snapshot, the list of individuals “disappeared” in 2007 alone include: (1) Subramaniam Parameswaran in Jaffna on 04 Jan.; (2) Yoganathan Ramesh on 08 Feb.; (3) Nagarasa Narenthiran in Jaffna on 09 Feb.; (4) Sivarasa Vinmalaraj in Jaffna on 17 Jun.; (5) Sivalingam Prabakaran in Jaffna on 18 Jul.; (6) Mohamed Zavier Mohamed Rizvi in Trincomalee on 06 Aug.; and (7) Sinnathamby Sathanathan in Batticaloa on 28 Nov., while the following were killed in 2007: (1) Muthuraja Aruleswaran in Mannar on 24 Mar.; (2) Liyanamohottige Dayananda Cabral, (3) Liyanamohottige Thushara Madusanka Cabral, (4) Thoranahena Gedara Susantha Ranjith Abeykoon, (5) Tissa Walan Mudiyanseelage Danapala, (6) Tissa Walan Mudiyanseelage Wijethunga & (7) Wele Pendige Chandrasiri in Batticaloa on 01 Apr.; (8) Ven. Thero Handungamuwe Nandarathna in Trincomalee on 13 May; (9) Karthequesu Chandramohan and (10) Sinnarasa Shanmugalingam in Ratnapura (residents of Batticaloa) on 02 Jun.; (11) Arumainayagam Alloysius in Jaffna on 23 Jul.; (12) Sivasamy Sriitharan in Jaffna on 20 Aug.; (13) Rev. Fr. Nicholaspillai Pakiaranjith in Mannar on 26 Sep.; (14) Shanmuganathan Pakeerathanathan in Jaffna on 28 Oct.; (15) Gouthu Jalaltheen in Mannar on 10 Nov.; (16) Thangarajah Sujeevan in Jaffna on 16 Nov.; and (17) Sooriyakanthi Thavarajah in Jaffna on 14 Dec. These cases and

- A number of exiled, Sri Lankan human rights defenders have not seen concrete evidence that the threats posed to them by military and paramilitary operatives have been removed; and
- Some foreign media outlets and international human rights organisations have been prevented from conducting independent visits to Sri Lanka.²⁵

The persistence of human rights violations post-conflict was noted in a joint statement by the UN Human Rights Council's Special Procedures Mandate Holders on 26 May 2009.²⁶

4. Sri Lankan asylum-seekers and experiences in countries of asylum

Sri Lankan asylum-seekers and refugees comprise a significant proportion of the international protection caseload for countries in the region and elsewhere. However, with the conclusion of the military conflict in Sri Lanka, a number of countries, including Switzerland, the UK and India, began using this turn of events as the basis for returning asylum-seekers to Sri Lanka.²⁷ Other countries have also mooted the possibility of expediting the return of refugees who have already obtained protection as well as restricting family reunion for settled Sri Lankan refugees. Sri Lankan asylum-seekers are also reporting experiences of deprioritisation within UNHCR refugee registration and resettlement lists.²⁸

Given the present adverse protection environment both within the IDP camps and more generally within Sri Lanka, it is difficult to conceive of how asylum-seekers and refugees involuntarily repatriated to Sri Lanka will obtain effective protection upon their return. For asylum-seekers, return in such circumstances amounts to *refoulement* (return to persecution), and therefore breaches a non-derogable international customary law obligation that underpins the international refugee protection framework.²⁹ For refugees, return in these circumstances amounts to an incorrect application of the cessation clause in

dozens more have been tabled at the UN Human Rights Council. See Human Rights Council 8th Session, June 2008, [Human Rights Situations that Require the Council's Attention: Written Statement submitted by Asian Forum for Human Rights and Development](#). Written statement submitted by Asian Forum for Human Rights and Development.

²⁵ The Hindu, [Rajapaksa Invites Lankan Editors to Visit Refugee Camps](#), 6 June 2009. The President of Sri Lanka warned journalists not to engage in "provocative" reporting.

²⁶ UNHCHR, [Statement by Ms Magdalena Sepulveda, Independent Expert on the Question of Human Rights and Extreme Poverty, Delivered on Behalf of All Special Procedures Mandate Holders of the Human Rights Council at the 11th Special Session of the Human Rights Council: "The Human Rights Situation in Sri Lanka"](#), 26 May 2009.

²⁷ See, for example, the actions of the Swiss government: [swissinfo.ch, "New Blow to Rejected Tamil Asylum-Seekers"](#), 28 May 2009.

²⁸ Particularly in states that do not have sophisticated refugee protection frameworks established, registration is an important way in which refugees are able to guard against *refoulement* and ensure access to limited services that may be provided for refugees.

²⁹ See Article 33 of the *1951 Convention relating to the Status of Refugees* (Refugee Convention).

the Refugee Convention³⁰ and a breach of UNHCR's guidelines on refugee repatriation.

Even if their freedom from persecution could be guaranteed, it is unclear how the Sri Lankan government will be able to resettle returned refugees and asylum-seekers given that the current open-ended encampment of IDPs arguably arises in part because return and resettlement is practically impossible due to the destruction of infrastructure and prevalence of anti-personnel mines, and will continue to be impossible for the vast majority of IDPs for at least the next 12 months.

3. Response of the international community

The protection situation in Sri Lanka poses serious challenges for those living and working within the country. International agencies such as UNHCR, whose capacity to work within a state is contingent on the willingness of governments to permit access, must also determine the extent to which they are willing to criticise the actions of a government that continues to compromise the basic human rights of IDPs. International agencies, human rights organisations and non-government humanitarian organisations based outside of Sri Lanka should also consider the impact that their failure to strongly and publicly criticise state human rights violations both narrows the space within which local NGOs are able to agitate for better protections for IDPs and human rights defenders, as well as undermines the efforts of such NGOs to draw international attention to human rights violations.

Further, to talk of post-war efforts - as UNHCR representatives have done - solely focusing on the provision of food and shelter within camps without addressing fundamental questions of arbitrary detention and the broader protection environment, is to present at best a partial story and at worst to form a tacit justification for the persistent human rights-violating treatment of IDPs and citizens more generally by the Sri Lankan government.³¹ Similarly, any discussion by UNHCR of the possible return of refugees or asylum-seekers, must be done within the context of an emphasis on adherence to guidelines and policy on voluntary, safe return. Anything less risks sending a signal to states hosting refugees and asylum-seekers that not only is return and reintegration is logistically possible, but that it is desirable, regardless of the mounting evidence of ongoing human rights violations and lack of protection guarantees for those who fled Sri Lanka to escape persecution.

³⁰ For more details, see UNHCR's [Guidelines on International Protection: Cessation of Refugee Status under Article 1C\(5\) and \(6\) of the 1951 Convention relating to the Status of Refugees \(the "Ceased Circumstances" Clauses\)](#), HCR/GIP/03/03, 10 February 2003.

³¹ See, in particular, the interview with UNHCR's representative in Sri Lanka, Amin Awad, quoted in Shanika Sriyanada, ["IDP Camps in Good Condition - UN Envoy in Sri Lanka"](#), *Sunday Observer*, 21 June 2009.

2. Recommendations

It is strongly recommended that the Sri Lankan government:

1. Immediately grant IDPs freedom of movement and the ability to reunite with their families.
2. Provide for civilian management or, at the very least, joint civilian-military management of IDP camps, and ensure that treatment of IDPs operated in accordance with international principles, including, but not limited to the 1998 UNHCR (now, UNOHCR) *Guiding Principles on Internal Displacement*, as adopted by the UN General Assembly in 2005.³²
3. Provide independent access to all IDPs for international agencies with humanitarian assistance and protection mandates, UN Special Procedures Mandate Holders, human rights monitoring agencies and journalists.
4. Immediately release or expedite trials for individuals currently imprisoned in Sri Lanka without charge. All detention must be in accordance with principles of international human rights law.
5. Support and protect the work of human rights defenders, journalists and humanitarian workers in enlarging the political space available for civil society actors and ensuring the protection of human rights for all in Sri Lanka. Public criticism of government actions should not be considered terrorism or treachery.
6. Conduct a public inquiry into all incidents of human rights violations conducted prior to, during and following the final phase of the armed conflict and ensure prosecution of all individuals allegedly responsible.
7. Release its plans for addressing discrimination, persecution and acts of impunity against minorities and human rights defenders in Sri Lanka.

It is strongly recommended that UNHCR:

1. Continue to publicly demand that the Sri Lankan government immediately grant IDPs freedom of movement. In line with international law and the organisation's own guidelines, UNHCR must continue to call for the Sri Lankan government to provide for *all* aspects of IDP protection, not limited to subsistence physical needs.
2. Continue to publicly demand independent access to all IDPs for itself and other international agencies with humanitarian assistance mandates, UN Special Procedures Mandate Holders, human rights monitoring agencies and journalists.
3. Publicly demand for the protection of human rights defenders and NGOs working with displaced populations, especially local NGOs.

³² Walter Kälin, [Guiding Principles on Internal Displacement: Annotations](#), The American Society of International Law and The Brookings Institution, 2008.

4. Continue to publicly call on states hosting Sri Lankan asylum-seekers and refugees to provide them with the right to international protection and refrain from returning Sri Lankans until substantial and enduring improvements to the protection situation in Sri Lanka are evidenced.
5. Work with NGOs to develop updated country of information material to assist states in conducting refugee status determinations. UNHCR should support the calls for the establishment of an Office of the UN High Commissioner for Human Rights (OHCHR) field office to ensure robust monitoring and documentation of the human rights situation in Sri Lanka.
6. In states where it is responsible for registration and RSD, that those processes be conducted consistently within and across states, with a view to the practical protection implications of issuing extended mandate (as opposed to refugee) status.

It is strongly recommended that states hosting Sri Lankan asylum-seekers and refugees:

1. Provide access to territory and ensure opportunities for registration and access to refugee status determination processes in accordance with international law. States should consider the April 2009 *UNHCR Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka* as the framework for conducting refugee registration and refugee status determination.³³ For those states that do not have RSD processes established, UNHCR should be granted access to all asylum-seekers to conduct registration and RSD.
2. Adhere to the international laws, principles and standards covering refugee repatriation when considering whether Sri Lankan refugees or asylum-seekers should be returned to Sri Lanka, including the *Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*, and UNHCR Executive Committee Conclusion No. 101 (LV) 2004.
3. Refrain from developing bilateral agreements with the Sri Lankan government that provide for the return of asylum-seekers without first assessing their protection needs. States that persist in negotiating such agreements must ensure that substantive protection guarantees and mechanisms for monitoring protection are the basis for such agreements. States should take every effort to avoid a repeat of previous instances of bilateral return agreements (such as that between Holland and Sri Lanka in 1997) that gave rise to *refoulement*.³⁴

³³ These [revised guidelines](#) were published by UNHCR in April 2009.

³⁴ UN Human Rights Council, 7th Session, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development*, [Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak - Mission to Sri Lanka](#), February 2008.

It is strongly recommended that NGOs based outside of Sri Lanka:

1. Continue to provide solidarity for human rights defenders and humanitarian agencies working within Sri Lanka.
2. Work with UNHCR to develop more accurate country of origin information to assist in refugee status determination for asylum-seekers and refugees from Sri Lanka.
3. Continue to advocate with states currently hosting refugees and asylum-seekers from Sri Lanka to adhere to international law with respect to international protection obligations.



Australian Refugee Rights Alliance

“No Compromise on Human Rights”

2009

PROTECTION CHALLENGES: URBAN REFUGEES

Comments Invited

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Protection Challenges: Urban Refugees

This paper explores the common protection challenges experienced by urban refugees in 3 host areas, Mizoram and New Delhi in India, and Malaysia. Refugees in these sites experience extreme difficulties accessing Refugee Status Determination (RSD), opportunity for livelihoods, and protection for women and girls at risk. Specific local and international policies need to be developed to address shared experiences of exploitation, abuse, and discrimination of refugees in urban areas. A rights based approach to such policy will be a critical component of any responsive and preventative strategy.

INTRODUCTION

Consistent with the global trend of urbanisation, a growing number of refugees live in urban areas. At the end of 2007, it was estimated that half of the entire refugee population were residing in cities, whilst one third were living in camps¹. Contrary to the perception that refugees must live in camps to maintain their refugee status and benefit from the rights this status confers, UNHCR and host states also have a responsibility to persons of concern residing in urban areas².

'Urban refugees' are refugees "who are resident in an area designated as urban by the government"³. In this paper, the term encompasses several categories of people of concern to UNHCR: recognised refugees, asylum seekers, and those who have been denied refugee status. Unlike refugees who reside in camps in relative isolation from the host community, urban refugees mix with local communities, and are therefore drawn into the host country's political, economic, and social affairs⁴. In developing local or international policy on refugees and asylum seekers in urban sites, it is necessary to listen and respond to the specific experiences of urban refugees as they tell them. This paper draws on the experiences shared by urban refugees, particularly women refugees, in community consultations with the Centre for Refugee Research (CRR).

PROTECTION CHALLENGES

Protection challenges are very problematic in the absence of national refugee legal frameworks in host States. India does not officially recognise refugees and has not signed the 1951 Refugee Convention and its 1967 Protocol. India's 1946 Foreigners Act fails to acknowledge the special status of refugees and gives the government wide discretionary power to regulate entry and movement of foreigners within India⁵. In the absence of government structures, refugees may apply for protection through a UNHCR office in New Delhi.

Similarly, Malaysia has not signed the Convention or Protocol. There is no distinction in the current legal framework between undocumented migrants and refugee and asylum seeker communities⁶. As a result, refugees with a genuine claim for asylum are treated as "illegal" migrants and made vulnerable to arrest,

¹ UNHCR. (2007). Statistical Yearbook. UNHCR, Geneva.

² UNHCR. (2009). Concept Paper - High Commissioner's Dialogue on Protection Challenges: Challenges for persons of concern to UNHCR in urban settings. UNHCR, Geneva.

³ Jacobson, K. (2006). 'Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective'. *Journal of Refugee Studies*, 19 (3), 274-287.

⁴ Landau, L. B. (2006). Protection as Capability Expansion: Practical ethics for assisting urban refugees. Forced Migration Working Paper Series #29. Available online at: http://migration.org.za/wp-content/uploads/2008/03/29_LandauEthicsWP.pdf

⁵ Sengupta, I. (2008). UNHCR's role in refugee protection in India. Available online at: <http://infochangeindia.org/Agenda/Migration-Displacement/UNHCR's-role-in-refugee-protection-in-India.html>

⁶ Medicins Sans Frontier. (2007). "We are worth nothing": Refugee and Asylum Seeker Communities in Malaysia. Available online at: www.msf.org.hk/public/contents/12533

detention, caning, deportation and human trafficking. Due to this gap, UNHCR is fulfilling the role of registration, documentation and status determination.

Despite the failure of both countries to sign the Refugee Convention and its Protocol, India and Malaysia are bound by international customary law and the principle of non-refoulement. They also have obligations to ensure the human rights of refugees as they are signatory to the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights.

Arbitrary Arrest and Detention

In New Delhi, Mizoram, and Malaysia, the host state's failure to recognise refugees creates an environment of impunity where registered and unregistered refugees have no avenue for legal recourse. This is particularly salient in **Malaysia**, where law enforcement systems treat refugees as 'illegal' immigrants. The current punishment for illegal entry into the country is a fine of RM 10 000 and/or a jail term not exceeding five years⁷, and mandatory whipping of up to six strokes. According to a 2008 Medecins Sans Frontieres (MSF) report, police and Ikatan Relawan Rakyat Malaysia (RELA) "volunteers" frequently raid, arrest and detain refugees regardless of their status. *"The police came at night and caught everybody, even those who had documents and were entitled to be here. The police did not care, we are worth nothing. The police burnt down our houses and everything else"*⁸. After arrest, refugees are held in detention centres in appalling conditions. *"They take everything from you and throw away all our belongings There are 200 people in one room. Only one light and one toilet...The smell was so terrible I could not eat anything. There is no water point other than in the toilets...I fell sick quite quickly with high fever"*. According to a 2009 Committee on Foreign Relations report to the US Senate, there is also evidence of detained Burmese being transferred to the Malaysia - Thailand border and sold to human traffickers⁹.

In **New Delhi**, CRRs 2007 and 2008 community consultations with Women's League of Burma reveal similar violations of rights. The women face disempowerment on another level, because their refugee status is not recognised by the state. *"Once a year the police come round to all the factories and arrest the refugees...At the police station they separate the men and the women. They then call the women in individually and say "if you sleep with us we will let you go back to the factory". Some women do this because they have no choice, and others bribe the police by paying thousands of rupees"*¹⁰.

Refugee Status Determination (RSD)

Receiving refugee status is critical to achieving access to rights and a durable solution. However, urban settings do not provide the same concentration of aid workers, government officials and humanitarian organisations to assist with refugee claims as there are in camps¹¹. This is compounded by the social and spatial dispersion of refugee populations within local communities, so that refugees may not be informed about their rights or the asylum process, have difficulty accessing relevant organisations, or have few advocates to pursue cases on their behalf¹². Without registration, refugees are made even more vulnerable to exploitation, abuse, and arrest.

⁷ Medecins Sans Frontier. (2007). "We are worth nothing": Refugee and Asylum Seeker Communities in Malaysia. Available online at: www.msf.org.hk/public/contents/12533

⁸ Medecins Sans Frontier. (2007). "We are worth nothing": Refugee and Asylum Seeker Communities in Malaysia. Available online at: www.msf.org.hk/public/contents/12533

⁹ Committee on Foreign Relations. (2009). Trafficking and Extortion of Burmese Migrants in Malaysia and Southern Thailand. Washington, United States Senate.

¹⁰ Centre for Refugee Research. (2007). Looking forward: A report from Community Consultations – The Women's League of Burma. New Delhi, University of New South Wales.

¹¹ Landau, L. B. (2004). FMO Research Guide: Urban Refugees. Available online at: <http://www.forcedmigration.org/guides/fmo024/fmo024.pdf>.

¹² Landau, L. B. (2004). FMO Research Guide: Urban Refugees. Available online at: <http://www.forcedmigration.org/guides/fmo024/fmo024.pdf>.

In New Delhi, the women related delays of many months in UNHCR's processing of refugee claims or even providing an appointment¹³. As a result the women were greatly concerned about unregistered refugees left without a subsistence allowance, the right to work, healthcare and education services for extended periods of time. With no feedback or reasons for the rejection of status, women expressed their frustration and confusion with UNHCR. This is exacerbated by attitudes of some UNHCR staff towards the refugees. *"[In 2008] I went to UNHCR to ask for assistance because I am pregnant with my third child and needed help. I was told that I was not being considered for resettlement and nothing else could be done. I started to cry and said to the UNHCR interviewer that if nothing was done my children and I would die. The interviewer laughed and said we all have to die sometime".*

In Mizoram, CRR's community consultations with Women's League of Chinland uncovered similar issues. UNHCR do not have access to Mizoram; said the official line is that there are few refugees in the area; that persecution in the state of Chin is minimal; and Chin and other ethnic minorities in Mizoram are illegal economic immigrants¹⁴. As a result unregistered Chin refugees have extreme difficulty achieving refugee status, even if they can reach UNHCR in New Delhi. However, CRR's research indicates there is a large population of unregistered Chin refugees who been subjected to extreme persecution in Burma and who have a genuine fear of persecution should they return. Even more so than in New Delhi, unregistered refugees in Mizoram have extreme difficulty accessing UNHCR due to lack of registration in Mizoram and the cost and danger of the lengthy journey to New Delhi, particularly for women. *"I applied for recognition in 2002. After one year they called me for an interview and after one more year they gave me a rejection. I wrote three letters of appeal and after six years I was finally recognised. We run from our country but UNHCR says, You are not refugees, you can go back, no problem, no one will arrest you. But actually it is very dangerous. Why did UNHCR reject us?"*

While anecdotal reports suggest recent improvements in conditions for asylum seekers to access RSD in Malaysia, some refugee groups report ongoing discrimination and abuse. According to the Arakan Rohingya Refugee Committee (ARRC), Rohingyas are less likely to be registered or resettled compared with non-Muslim Burmese refugees¹⁵. They report they are not allowed to access the UNHCR compound without fixed appointments, are kept waiting till close of business hours, threatened by UNHCR staff, and subject to demands for bribes by interpreters. *"The Rohingya refugees are the worst victims of discrimination at the UNHCR office"*. Without official documents, all unregistered refugees live in constant fear of deportation. They are unable to legally work, access health or education facilities. A MSF 2007 report documents the negative impacts on health. *"I was really worried, because I had no money to pay for medical care...I could not go to the hospital because I had no documents, and was scared of getting reported. People had told me that if you go to the hospital without documents you are arrested"*¹⁶.

Livelihoods

UNHCR's Executive Committee has recognised the importance of facilitating refugee populations to achieve self-reliance¹⁷. It has been acknowledged that this will improve their protection and dignity, decrease their dependency on external assistance, and provide economic benefits to the local community¹⁸. Yet host

¹³ Centre for Refugee Research. (2007). Looking forward: A report from Community Consultations – The Women's League of Burma. New Delhi, University of New South Wales.

¹⁴ Centre for Refugee Research. (2008). Community Consultation with unregistered refugees, Mizoram, India. New Delhi, University of New South Wales.

¹⁵ ARRC. (2009). Brief Situation Report on Rohingya Refugees in Malaysia.

¹⁶ Mediciens Sans Frontier. (2007). "We are worth nothing": Refugee and Asylum Seeker Communities in Malaysia. Available online at: www.msf.org.hk/public/contents/12533

¹⁷ Executive Committee Conclusion No. 104 (LVI) 2005 – Local Integration.

¹⁸ Executive Committee Conclusion No. 104 (LVI) 2005 – Local Integration.

countries and UNHCR have not created opportunities for refugees to participate in the local economy. As a result, the right for refugees to work in a safe environment is continually violated.

In **New Delhi**, UNHCR service providers are responsible for assisting refugees to find work in the informal sector. However, Women's League of Burma conveyed to CRR that they often take months to place refugees. Subsequently, refugees often work jobs that locals do not want, with extremely poor working conditions, including dangerous environments, very long hours with few breaks, and factory work that involves standing in dim lights with no ventilation. Desperate for an income, women often take positions that put them at risk of sexual harassment. *A refugee woman worker was left alone in a room with an Indian man, who started touching her breast and molesting her. She managed to run away and report the incident to the service provider and requested they accompany her to the police. She was told that as she did not speak Hindi, had better not complain to the police, and should just keep quiet.* In addition, employers are not required to make payments through service providers, so payments are often made late or not at all. Those who do not access a service provider are even more vulnerable to wage discrimination and unsafe working conditions.

Without the assistance of UNHCR and no local rights, unregistered refugees in **Mizoram** are subject to severe workplace exploitation. The women make meagre livelihoods illegally selling vegetables, or work as rock breakers or weavers with marginal wages and no protection or support should any injury occur. Domestic helpers, often young girls, experience extreme exploitation. They describe conditions akin to slavery where they work 5am to 10:30pm, are not permitted to leave the residence, and only paid Rs 500, which may be withheld. Women describe verbal and physical abuse: scalding with boiling water, beatings, sexual harassment and rape. *"It is a type of torture, sometimes we are sad, sometimes we are angry, sometimes we get scolding. We are just like putting in jail, like in a cell...we are struggling for our own survival".*

In **Malaysia**, the government's refusal to recognise refugees with UNHCR documents places them in a similar position to the unregistered refugees in Mizoram. According to ARRC, Malaysian employers terminate the employment of Rohingya refugees after discovering their status. *"Refugees are passing lives in fear and terror in finding sources of income for their survival"*. According to MSF, young women are particularly at risk. There are reports of young women being raped on the way home from night shifts in restaurants. One woman reported an incident when an employer asked for her documents, and when she could not produce them he proceeded to rape her.

Women and Girls At Risk: Survival Sex

UNHCR's ExCom has acknowledged that women and girls are exposed to particular protection problems which makes them less likely than men to be able to exercise their rights¹⁹. They have also acknowledged that host states and UNHCR are responsible for specific protection measures²⁰. In an urban context, whilst women are able to earn a livelihood, they continue to experience sexual and gender-based violence (SGBV) and are forced into exploitative, dangerous and degrading work including survival sex.

In **New Delhi**, Women's League of Burma discussed concerns about survival sex with CRR for the first time in November 2007, and by July 2008, more and more women and girls spoke of being forced to engage in survival sex to provide for themselves and their families²¹. Combined with the high levels of SGBV in the workplace, women's safety has become a serious issue for the community. It has contributed to a perception amongst local men that all women from these communities are sex workers, with the women reporting increased harassment from the broader community.

¹⁹ Executive Committee Conclusion No. 5 (LVI) – 2006 – Women and Girls at Risk

²⁰ Executive Committee Conclusion No. 5 (LVI) – 2006 – Women and Girls at Risk

²¹ Centre for Refugee Research. (2009). Draft Summary Interim Report: Centre for Refugee Research Training with the Women's League of Burma, New Delhi, November 2007 and July 2008.

In **Mizoram**, refugee women are similarly forced to engage in survival sex. Widows with no family support or women and girls who have been raped and ostracised by the community are particularly at risk. They become vulnerable to infection of STDs, rape, violence and drug addiction. Their own communities stigmatise the women who are filled with shame. *"She felt so much that she was broken inside, she felt guilty and she is feeling as though she has committed a crime...they feel like they are nobody, they are no value...because we in other country, they are powerless, they feel helpless"*.

CONCLUSION AND RECOMMENDATIONS

Conclusion

Urban refugees experience similar protection challenges specific to the urban context, including arbitrary arrest and detention, difficulties with RSD, livelihoods and women and girls at risk. In order to address these issues, host States must urgently sign the Convention and establish legal frameworks for refugees. It is imperative that host states, in partnership with UNHCR and non-government organisations, adopt a rights- based approach to ensure the protection of urban refugees. Refugees live through abuse and exploitation because their rights to seek asylum, to freedom of movement, to work in a safe environment, to be free from gender-based violence are not being excised. Therefore, there is a need to link urban refugee policy to the individual rights that refugees are entitled to.

Recommendations

- Host countries in partnership with UNHCR, UN agencies, international and local NGOs should treat refugees as social and economic assets and facilitate and support income generation activities²².
- UNHCR and host countries should implement the 2006 Conclusion on Women and Girls at Risk.
- UNHCR should provide an adequate subsistence allowance to all registered refugees regardless of employment status.
- UNHCR in-country offices should ensure refugees have adequate access to their facilities, only trained staff sensitive to refugee issues deal with individual refugee claims, and implementing partners are made accountable for their actions.
- As the *de facto integration* combined with spatial dispersion of refugees in cities, renders a system of specialised agencies unfeasible in an urban context, there is a need to establish partnerships between host States, the private sector, and existing non-government organisations in order to ensure the provision of basic services of both refugee and local population²³.

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ARRA: Australian Refugee Rights Alliance is a consortium of Australian Non Government Organisations who attend the UNHCR Annual Consultations for NGOs and Executive Committee annually to continue their advocacy for change at the international level.

²² Jacobson, K. (2006). 'Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective'. *Journal of Refugee Studies*, 19 (3), 274-287.



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NGOS AND RESETTLEMENT ADVOCACY

Comments Invited

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Available at:
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NGOS AND RESETTLEMENT ADVOCACY

INTRODUCTION

The Global Consultations on International Protection, launched in late 2000, culminated in the "Agenda for protection" being endorsed by UNHCR's Executive Committee and the UN General Assembly in 2002.

The "Agenda for protection" noted both the role of NGOs in assisting States and UNHCR to "maintain the integrity of the international refugee protection regime, notably through advocacy", as well as reaffirming the importance of resettlement as one of the three core durable solutions.

This briefing paper outlines a number of ways in which NGOs around the world have worked with UNHCR to facilitate third country resettlement for refugees.

TRADITIONAL ADVOCACY FOR INDIVIDUAL CASES

Resettlement advocacy has traditionally taken the form of NGOs, and private sponsors, advocating for the protection of individuals or families who have been recognised as refugees by the UNHCR. For example in the 2008 financial year, the private sponsorship programs of Australia and Canada resulted in the resettlement of 5028²⁴ and 3116²⁵ refugees (and persons at risk) respectively.

In the US, designated NGO (along with the UNHCR and US embassies) are able to directly refer individuals of any nationality to the US government for consideration of refugee claims. Certain NGOs also play an important role in assisting the US State Department to identify specific groups with special characteristics in certain countries that are targeted for resettlement.²⁶ In the 2008 financial year the US resettled 60,108 refugees.²⁷

IMPLEMENTING PARTNER WITH UNHCR

Another form of advocacy is for NGOs to work directly with the UNHCR to implement various programs that improve the resettlement process.

An example of this is the work of the International Catholic Migration Commission (ICMC) who is engaged in resettlement selection through its Resettlement Deployment Scheme, established in 1997. This UNHCR-ICMC project allows resettlement professionals from the private sector, the government and NGOs to experience first hand UNHCR policies and procedures. The scheme has strengthened the ties between the UNHCR and participating resettlement organisations and been successful at increasing global resettlement referrals.

ADVOCATING FOR COUNTRY PROGRAMMES

²⁴ Australian Department of Immigration and Citizenship, *Fact Sheet 60 - Australia's Refugee and Humanitarian Program*, Updated 2009, <http://www.immi.gov.au/media/fact-sheets/60refugee.htm#i>

²⁵ Citizenship and Immigration Canada, *Facts and figures 2008 - Immigration overview*, Updated 2008, <http://www.cic.gc.ca/english/resources/statistics/facts2008/permanent/01.asp>

²⁶ US Department of State, *Emergency Refugee and Migration Assistance, Fiscal year, 2010 Congressional Presentation Document*, 2009, <http://www.state.gov/documents/organization/124513.pdf>

²⁷ US Department of Homeland Security, *Refugees and Asylees: 2008*, http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2008.pdf

NGOs have worked to encourage governments to implement a resettlement programme or improve their existing resettlement activities. This work is extremely important in ensuring that resettlement programmes evolve to fit changing global and domestic situations. An example of this form of advocacy is that performed by The European Council on Refugees and Exiles (ECRE). ECRE has consistently called on EU member states to enhance their resettlement programmes.²⁸

The Refugee Council of the United States of America (RCUSA), a coalition of US NGOs focused on refugee protection, has also taken action to encourage the US government to increase its funding for the resettlement program in order to be able to raise the number of refugees offered protection. An example of RCUSA's advocacy work is their March 2009 letter to President Obama, which stated:

To ensure that the Office of Refugee Resettlement (ORR) can adequately serve refugees and other vulnerable groups a substantial increase funding is required.²⁹

ADVOCATING FOR THE RESETTLEMENT OF SPECIFIC GROUPS

Increasingly, human rights NGOs working on refugee issues, have highlighted the need to resettle specific groups of refugees. Using targeted advocacy, NGOs are often able to convince resettlement governments to focus their efforts on specific refugee groups at particular risk or previously ignored. Furthermore, resettling a significant portion of a specific group, gives the UNHCR a higher chance of successfully implementing the other durable solutions of return or integration for the remaining population.

Examples of specific group advocacy include:

Iraqis: As the number of Iraqis forced to flee violence, as a result of the 2003 invasion, continued to increase and with resettlement states initially slow to respond, NGOs petitioned governments to increase the number of Iraqis that they resettled. For example:

- Human Rights Watch in 2007 recommended that the US Government *share the responsibility of protecting refugees fleeing the war in Iraq. The administration should significantly increase the number of Iraqi refugees it will resettle this year and contribute quickly and generously to the UN refugee agency's appeal for financial assistance.*³⁰
- In 2009, Human Rights First released a report that recommended the US government *lead an international effort to resettle—within two years—the 85,000 Iraqi refugees whom the UNHCR has identified as extremely vulnerable.*³¹
- Amnesty International released a report in 2008 that called for *a real and sustained effort to resettle vulnerable refugees, such as those with serious medical conditions, to countries where they will receive adequate care.*³²

²⁸ European Council on Refugees and Exiles, *Concrete steps towards a European Resettlement Programme*, 2008, http://www.ecre.org/resources/Policy_papers/1317

²⁹ Refugee Council USA, *Letter to President Obama on FY 2010 Refugee and IDP funding*, 2009, <http://www.rcusa.org/uploads/pdfs/RCUSA%20FY10%20Admin%20Marker%20Letter,%203-6-09.pdf>

³⁰ Human Rights Watch, *US Jordan Syria must open doors to Iraqi refugees*, 2007 <http://www.hrw.org/en/news/2007/01/15/us-jordan-syria-must-open-doors-iraq-refugees>

³¹ Human Rights First, *How to Confront the Iraqi Refugee Crisis*, 2008, <http://www.humanrightsfirst.org/pdf/081222-iraqi-refug-bluprnt.pdf>

³² Amnesty International, *Rhetoric and reality: the Iraqi refugee crisis*, 2008, <http://www.amnesty.org/en/library/info/MDE14/011/2008/en>

- In 2008, the Canadian Council for Refugees petitioned the Canadian government to accept more Iraqis for resettlement and increase funding to the millions of Iraqis stuck in Jordan and Syria.³³

As little as 1000 Iraqi refugees were resettled to the USA between 2003 and 2006. However, the US welcomed more than 13,000 Iraqis in 2008³⁴ and plans to resettle at least 17,000 in the current fiscal year.³⁵ The Australian government agreed to resettle an additional 500 Iraqis (on top of the general resettlement program) in 2008.³⁶ While in February 2009, it was announced that Canada will more than double the number of privately sponsored Iraqi refugees it accepts from the Middle East.³⁷

Rohingya: Denied citizenship and persecuted by the Burmese authorities, and generally often mistreated in the neighbouring countries to which they have fled, the Rohingya have few options but to be resettled.

- In 2008 Refugees International asked that governments recognise the Rohingya of Burma as a stateless population with little or no chance of integrating into the neighbouring countries, and as such acknowledge that resettlement is the only option.³⁸
- Human Rights Watch released a report in 2009 denouncing the Burmese authorities' treatment of the Rohingya and asking neighbouring countries as well as resettlement countries to better protect the Rohingya.³⁹

In late 2006 Canada became the first country to offer resettlement to Rohingya refugees who had been trapped in two camps in Bangladesh for over 15 years, initially offering to resettle 23 individuals. In February 2007 a joint NGO-UNHCR mission went to the camps to help UNHCR develop the "Heightened risk identification tool".⁴⁰ The findings of this visit were presented at the 2007 ATRC and helped UNHCR raise the profile of the Rohingya refugees in Bangladesh. As a result, in 2008 eight resettlement countries came forward to resettle a further 500 individuals from the camps.

JOINT ADVOCACY WORK, RECENT MISSION FOR PALESTINIAN REFUGEES FROM IRAQ

Following a number of reports from human rights NGOs, highlighting the plight of Palestinian refugees from Iraq, in November 2008, a delegation of thirteen NGOs from eight countries visited the three camps on the Iraq/Syria border. The visit was coordinated by Refugee Council USA and facilitated by UNHCR. The participating NGOs produced a joint statement that urged resettlement countries to accept all 3000 refugees and close down the camps. The statement argued that:

The refusal of neighbouring countries to grant them asylum, their lack of legal status, the high degree of trauma suffered by Palestinian refugees, and the poor conditions in the camps all argue

³³ Canadian Council for Refugees, *Iraqi Refugee Crisis: Call for Increased Canadian Response*, 2008, <http://www.ccrweb.ca/documents/iraqicall.pdf>

³⁴ The Migration Policy Institute, *The Iraqi Crisis: The Need for Action*, 2008, http://www.migrationpolicy.org/pubs/MPI-The_Iraqi_Refugee_Crisis_The_Need_for_Action_011808.pdf

³⁵ US Department of State, *Refugee Admissions Program for Near East and South Asia*, 2009, <http://www.state.gov/g/prm/rls/117283.htm>

³⁶ Australian Department of Immigration and Citizenship, *Fact Sheet 60 - Australia's Refugee and Humanitarian Program*, Updated 2009, <http://www.immi.gov.au/media/fact-sheets/60refugee.htm#i>

³⁷ Citizenship and Immigration Canada, *Canada to double number of Iraqi refugees*, 2009, <http://www.cic.gc.ca/english/department/media/releases/2009/2009-02-11.asp>

³⁸ Refugees International, *Rohingya: Burma's Forgotten Minority*, 2008, <http://www.refugeesinternational.org/policy/field-report/rohingya-burma%E2%80%99s-forgotten-minority>

³⁹ Human Rights Watch, *Perilous Plight: Burma's Rohingya Take to the Seas*, 2009, <http://www.hrw.org/en/reports/2009/05/26/perilous-plight>

⁴⁰ UNHCR, *Information Note on the Heightened Risk Identification Tool*, 2007, <http://www.unhcr.org/46822a712.pdf>

for third country resettlement as the best near-term solution for the camp population.⁴¹

CONCLUSION AND RECOMMENDATIONS

Demonstrating international solidarity has played an important role in raising awareness about the desperate plight of the refugees in these camps and convincing governments to accept resettlement referrals from UNHCR. This model provides an example for future NGO delegations to further work with UNHCR on behalf of vulnerable populations. As noted in the “Agenda for protection” NGOs have an important role in maintaining the integrity of the international protection regime through advocacy. It is vital that NGOs continue to play an effective role in advocacy around resettlement and look for new and creative ways to ensure that those individuals and groups most in need of protection are not forgotten or ignored.

This year, with ATCR and the UNHCR NGO Consultations overlapping there is a unique opportunity for NGOs working in countries of first asylum and those from resettlement countries to meet and talk about ways they can work together to highlight vulnerable refugee populations in need of resettlement. With UNHCR staff from Regional Bureaus and the Resettlement Service attending these Consultations further initiatives can be developed. Also, with State representatives from resettlement countries attending, opportunities exist to build relationships and develop understandings of specific country programs and priorities, vital to facilitating informed discussion when developing advocacy strategies for forgotten groups.

ABOUT ARRA

ARRA: Australian Refugee Rights Alliance is a consortium of Australian Non Government Organisations who attend the UNHCR Annual Consultations for NGOs and Executive Committee annually to continue their advocacy for change at the international level.

⁴¹ Canadian Council for Refugees, Citizen International Malaysia, Dutch Council for Refugees, Flemish Refugee Action Belgium, Human Rights First, Muslim Care Malaysia, Muslim Student Union Malaysia, Netherlands Refugee Foundation, Refugee Council of Australia, Refugee Council USA, Refugees International USA, Secretariate Assembly of Muslim Scholars Asia, Society of Citizens Assistant Migrants Czech Republic, *From Fast Death to Slow Death*, 2008, <http://www.unhcr.org/refworld/category/COI,RI,,,492d153c2,0.htm>

African Women's Advocacy Unit United Nations Executive Committee Meetings 2009 report

The African Women's Advocacy Unit (AWAU) is a collective of refugee women from African countries who work together to gain information, knowledge and skills for sustainable representation in the Australian political and social environment.

The overall aim of the programme is to:

- Strengthen the representation of refugee women from African countries within government policy;
- Create a political space for expression of leadership across all sectors; and
- Develop a strong network of advocates.

Since 2006, AWAU members have represented its members and members of the refugee community at the United Nations High Commissioner for Refugees (UNHCR) Executive Committee meetings, and the Annual Consultations in Geneva. This year, with the generous financial assistance from the Fairfield Migrant Resource Centre and Cabramatta Community Centre, two AWAU members attended these meetings.

The AWAU members were supported by the Management of AWAU (Mentoring, gaining accreditation, and resources) Centre for Refugee Research and the Australian National Committee on Refugee Women, through ARRA, and accredited by the Women's International League for Peace and Freedom through the direct contact Carole Shaw, AWAU Management Member and Trainer. Financial support was provided through fundraising by Fairfield MRC and Cabramatta Community Centre, Holroyd Parramatta Migrant Services, and individuals (Sarjoh Bah) and finalised by AWAU.

The UNHCR Annual Consultation is a high level meeting between senior staff and NGO partners, focusing on international law and policy. Within this context, particular countries and the situation in them can be raised. The current focus of these meetings is:

- Protracted refugee situations;
- Sexual and Gender based violence; and
- Urban refugees.

Prior to attending the Consultations, the AWAU representatives held several consultations with community members and members of AWAU. At these meetings, AWAU members were able to ascertain issues that were to be presented at the Consultations. The key Protection issues raised were:

- FAMILY REUNION AND FAMILY DEFINITION
- VOLUNTARY REPATRIATION – SUCCESS OR FAILURE?
- PROTRACTED REFUGEE SITUATIONS: FORGOTTEN REFUGEES.

The Consultations were held from Monday 22nd June – Friday 3rd July 2009.

Conclusion:

Following the discussions featured in the following report, AWAU needs to follow up on:

- Specific activities and projects arising out of the discussions in the UNHCR meetings
- Investigating UNHCR's plans in relation to training for resettled refugees to return to support UNHCR in selecting people for resettlement
- Meeting between AWAU and DIAC (Arja Keski)
- Follow up on referrals from Erica Feller
- Refugee Council of Queensland

AWAU would like to thank the generosity of the Fairfield MRC and the Cabramatta Community Centre, Holroyd Parramatta Migrant Services, and individual donators for making the trip possible.

II. SUMMARY OF TWO WEEKS

A) STANDING COMMITTEE

NGOs participated as observers from Tuesday June 23rd to Thursday 25th June 2009.

The focus was on International Protection for Refugees in the camps.

Camps had been visited in by the Chair visited camps in Thailand and Malaysia where they found out that the situation in the camps was poor, and a lot of work is needed in the camps.

Following this presentation, a flow of responses from the floor provided feedback and commentary. Statements included:

“For all camps around the world is the same conditions as what you have seen” The situations are the same in all camps (Nigeria Delegate);

“UNHCR should continue helping refugees” (Mexico Delegate);

“UNHCR is not about new camps; it is about responsibility to refugees.” (Somali Delegate);

“Sudan: In Darfur, children are kidnapped’ (Zambia Delegate);

“In Kakuma camp: The native ones do not want refugees on their land anymore. The solution is to open new camps for them. Staying there for a long period of time is not a durable solution” (Kenya Delegate);

“Supporting Africa and Pakistan. 6 millions of refugees are getting helped and they make solution for them, especially in Darfur/Darfur (Denmark Delegate).

As per the 1951 Refugee Convention, refugees must be consulted to make their own decisions.

B) ANNUAL CONSULTATIONS

Monday 29th June to Wednesday 1st July

Opening address was given by Ms Catherine Walker; Head Secretariat and Inter-Agency Service, UNHCR.

It was stated to the NGOs are ‘the arms of UNHCR as well as its partners’.

Presentation was given by Mr Ed Schenkenberg; Coordinator, International Council of Voluntary Agencies.

Detailed in this presentation, the Rapporteur role is very important; they take note of any result and presentation on conclusions. The financial situation is crucial. The fundraising and the resource situation are very important for effective work. The main body funding this are Governments and Private Donors. Funders have noticed that the efforts are not focusing in one direction, and so the amount of funding is decreasing.

The UNHCR budgets for this year was accurate, but needs are always increasing. The Rapporteur has worked hard to improve structures and work systems in order to assist more effectively people to whom the work is addressed to.

Presentation by Ms Erika Feller; Assistant High Commissioner Protection.

Ms Feller discussed the importance of NGOs in the work of the UNHCR. The UNHCR works in partnership with NGOs. The UNHCR cannot see nor do what NGOs do in their work in the field. However, by working collaboratively, work progresses.

The protection and safety of UN workers was discussed. It was stated that humanitarian workers have been victims in Belgrade, Pakistan, Somali, Sudan. Humanitarian workers need to be protected.

The situation concerning the Protracted Refugee Situations is ongoing. There has been improvement for the situations in Pakistan, Bangladesh, Eastern Sudan and Tanzania. Improvements have been made through resettlement and local integration. Efforts are made to help these refugee populations to be independent and self-sufficient, and not to depend on international charity. There are programmes in place for ongoing protection for vulnerable groups. A global Action plan with key questions will be developed.

C) SIDE MEETING:

SEXUAL ORIENTATION, GENDER IDENTITY AND REFUGEE RIGHTS, (LGBT) A PROTECTION GAP?

Presented by Mr George Okoth-Obbo, Director, Division of International Protection Services, UNHCR.

Rape is happening to women and girls as well as to men from Army rebels. When the rape of women and girls results in a child, the family may not register that child.

Work needs to be done in changing the community's attitude, to work together to obtain that result that makes the attitude positive and cooperative in order to deliver protection to LGBT (Lesbians Gays Bisexuals Transsexuals) refugee population who are very much at risk?"

D) EUROPE BUREAU

The Europe Bureau and Africa Bureau are working in collaboration. This is to address the situation in Italy. Italy is pushing back refugees from Libya and the West Africa Coast.

There is resettlement of some Eritrean women in detention in Italy. The Europe Bureau and Africa Bureau are working together to create an Asylum Space for refugees. There is also the creation of workplace for refugees persecuted for their high academic attainment.

E) AFRICA BUREAU

Presented by Mr Steven Corliss, Deputy Director

There is successful repatriation occurring in Southern and Western Africa. People are returning from Ghana to Liberia, from Zambia to Angola and from South Africa to Zimbabwe, with only a few refugees remaining.

In the Democratic Republic of the Congo, in the east of the country (Kivu region) there is a significant challenge in resettlement due to the number of Internally Displaced Peoples.

Presented by Mengesha Kebede, Officer –In – Charge of the Africa Bureau

The UNHCR is working with coherence and harmony in the region. The programme is regionally based, not by countries.

The global situation is:

South Sudan: In a well organised manner, over 150000 returnees returned to Uganda, DRC, Burundi, Kenya and Somali.

The Voluntary Return Programme is successful. There was anecdotal evidence given of a group of returnees from Uganda to the South of Sudan. The implementation of this programme was done in a very receptive and well-organised manner, with even some

volunteers willing and keen to return with their own resources and by their own way, isolated and spontaneously.

A question from the floor asked about the impact of the fighting in The South of Sudan between tribes involving high position politicians. The response was that we need advocacy for all of us as well as the international attention to let Sudan to get the message.

F) GLOBAL NEEDS ASSESSMENT - GNA - WHY IT IS IMPORTANT AND WHAT IT MEANS FOR PARTNERS

Responding to the needs of people of concern to UNHCR has always been a challenge for various reasons including a lack of resources and the difficulties in capturing, projecting and presenting needs.

The GNA is a new way for UNHCR to comprehensively express the needs of populations of concern worldwide and better present the plans, activities and level of resources required to meet those needs.

It also allows UNHCR to clearly show what the very negative human consequences are of needs not being met.

The GNA is estimated at \$US85 million but only \$US24 million have been received, basically 42% of needs are not met because the funds are not there yet. The support is in words but not given yet still on demand.

G) INTERNAL DISPLACEMENT SITUATIONS: GETTING THE NUMBERS AND FACTS RIGHT

The aim of the session was to identify the challenges of working together amongst NGOs on one hand and with government on the other one to push forwards protection of the refugees

H) PLENARY INCLUDING CLOSING ADDRESS

ANTONIO GUTERRES, HIGH COMMISSIONER FOR REFUGEES

Congo and Sudan are left behind because the media are currently placing a greater emphasis on Pakistan and Afghanistan, however we should be aware that they still need our attention.

This year and in the future (2009-2010) the UNHCR budget and financial situation are very crucial. The refugees are not to be forced to go back to their country. In regards to Sudan, there are some countries who want to talk to Sudan and they advised the UNHCR that the UNHCR should take Sudan to the International Criminal Court. They have advised the UNHCR that they believe that there should be mediation to let Sudan change some direction, as it is clear that Sudan doesn't want to work with the UNHCR and NGOs.

It was stated that training for resettled refugees or former refugees is a very good idea, one that will be discussed at a later date.

I) PRIVATE AND BILATERAL MEETINGS

A) ARJA KESKI – NUMMI

24 June 2009 with Australian Delegates

Targeted on one issue: family reunion and family definition.

Arja was very receptive and she is very concerned about family she will report our concerns to further steps.

Australia is keen to work cooperatively with the United States, UNHCR and NGOs.

AWAU has the responsibility to follow up with the Department of Immigration And Citizenship with the assistance of Ms Arja Keski

.

B) ERIKA FELLER

1. Bilateral with Erika Feller, Assistant High Commissioner for International Protection

Friday 26 June, 1500-1630

UNHCR

Participants: Erika Feller, Eileen Pittaway, Geraldine Doney, Heike Lautenschlager, Tori Vu, Kamal Hussein, Melika Eldin Sheikh Yassin, Liliane Lukoki, Fatima Elzibar, Naoko

Minutes:

1. Gender audit

EF expressed interest. Questioned what gender audit picked up in Standing Committee.

2. Working Group

3. Proposed book on women and girls at risk

EF raised concerns about book/title being heavy on rape.

- Rape is significant but there are other forms of SGBV.

- Discussed the term as rape as fairly limited as a definition, constrained to legal concept of consensual sex. Concerned that emphasis on rape would confine the book's audience

- Appreciated the sensitisation and training function the book could serve

- From a UNHCR perspective EF would be happy to encourage and endorse this book

Action: send book proposal to Naoko in August, copy to EF; talk to Francis Nicholson about UN University Press publication, referring to in house gravitas.

4. Incorporate Gender issues into the High Commissioners dialogue on urban refugees

- Depends on how the dialogue will be organised, most likely to be in similar format to previous dialogues

- Start with a plenary, then move into working groups with similar agendas

- EP would need to prepare ahead of time and find people to distribute within these working groups to insert gender issues and promote discussion in a substantive way.

- Each group would come up with a significant number of recommendations
 - It was noted twice by EP that the Chair and rapporteurs would need to be sensitised to gender issues to ensure they feature in the final report; EF said that by July all staff would be adhering to 'refugee guidelines'.
 - Naoko brought up the possibility of a lunch-time meeting or side event featuring gender issues. There is work in progress to develop a Q&A feature on community based, participatory and rights-based approaches.
 - EF said they would look into the possibility of this side event, but short of this, gender issues would have to be introduced through the working group discussion
- ACTION: EP to coordinate and discuss with working group members on a strategy to introduce gender issues into the discussion and produce recommendations
5. Proposed a High Commissioners Dialogue on the Protection on Women and Girls
- EF said they would definitely look into this and that others had raised this issue too
 - EP mentioned that the Women's Commission had endorsed this dialogue as well
- Liliane and Fatima spoke:

EF Response

EF referred LL and FE to certain people:

- For resettlement services see Vincent Cochetel
- For return issues see the head of DOS or SDS
- For vulnerability of women and children see Naoko

Further Comments:

- Family Reunion
 - o Long-standing problem of the use of western definition of a family
 - o UNHCR is on their side and is advocating for a broader definition of families and is in discussion with resettlement countries
 - o Governments of resettlement countries are the actors that define nuclear families, where dependency is defined by age
 - o UNHCR is partly responsible as it refers individuals to countries, and then relies on governments to implement family reunion. UNHCR might begin to look at referring groups of people
 - o Not an easy discussion, since you have to negotiate resettlement countries, limited resettlement places and ongoing discussion about increasing quotas. There are more countries including those in Latin America now resettling.
 - o Cautioned against high expectations.
 - o Noted it was not the best way to address PRS; return is the best solution with consideration of the return resettling.
 - o Cautioned against high expectations.
 - o Noted it was not the best way to address PRS; return is the best solution with consideration of the return context
 - o New focus for UNHCR has been to develop self-sufficiency, where refugees won't be dependent international charity, as facilitated host country and the international community
- Repatriation
 - o Return is lesser evil: reconstruction is not applicable because infrastructure was not there in the first place.

- o UNHCR focuses essentially on protection needs not developmental issues of country of origin. UNHCR has the responsibility to engage other actors eg. World Bank, UNDP and financial institutions to meet these needs.

- Refugee participation

- o In terms of identifying problems and solutions, monitoring and contributing to oversights.

- o Participatory assessment process – engage beneficiaries in planning, processes and delivery

- o This has become a reality in all of our operations, according to global accountability framework.

- o UNHCR has not always performed as well as it could, especially in relation to women but noted HC's 5 commitments to integrally include in management structures in camp life: but acknowledged this has not been achieved.

- o Because UNHCR has not pushed as strongly; refugee communities don't permit it; women don't want it; interethnic conflicts within camps

- o Naoko quoted statistics of 37-38% participation amongst refugee women in camps and urban settings.

- o However, advocacy from NGOs and UNHCR do not always produce meaningful participation or results.

C) GEORGE OKHOT- OBBO

30th June 2009.

- He appreciated the key protection issues we raised and he is keen to work with people like us because NGOs know the issues affecting communities and are working with them on the field.

- The UNHCR should be very flexible and supportive to family members of resettled refugees.

- To make their "family reunion process" as a priority because if the settlement of former refugees fails they become social welfare cases

- Also using resettled community to do the resettlement assessment, therefore the resettlement will be correct and more accurate.

Component for support: education, information

FOLLOW UP

D) AFRICA BUREAU

To send information about our issues

IV. RECOMMENDATIONS

“The settled refugees in Australia with skills and knowledge, to get training in order to go and work in the camps.”

(Main recommendation from Australian delegation)

V. SOME QUESTIONS RELEVANT TO AWAU ISSUES /AND CONCERNS

A) Liliane Lucky Lukoki, AWAU member. Question to Africa Bureau.

Tuesday 30 June 2009.

Regarding the success of repatriation: The question has been reported to the Rapporteur in order to be mentioned on the Global Report

AFRICA –REPATRIATION AND INTEGRATION

o Liliane Lucky Lukoki / Madam Chair; we are concerned about the so called voluntary repatriation to South of Sudan, many refugees are returning to situation of extreme hardship and suffering. Some are preferring to return to camps feeling that they are safer there than in their country of origin. The refugees are then afraid to apply for re-registration as refugees and are living in these conditions in the camps.

We would therefore like to ask:

- What is UNHCR doing to address the specific protection needs of women and girls at risk during the repatriation process?
- Will UNHCR support the training and development of resettled refugees as community guides?
- What is UNHCR doing to research and report back on outcomes of repatriation programmers?

o Mengesha Kebede/ The challenge in Sudan is big we need to advocate more for this project the challenge is to start from the beginning because there is no way for education. The education programme is huge then the Agreement of Peace has been signed some support has been promised. Unless if the international attention focus urgently on the South of

Sudan. There are some signs to worry about in the entire country (Sudan) in general because elections will take place soon.

B) Margaret Neil, Refugee Council Of Australia – Queensland.

Question to Africa Bureau Session on Tuesday 30 June 2009.

Regarding Family Reunion and Family Definition and also Protracted Refugee Situations:

o Margaret Neil/ Madam Chair, We recognise that family reunion and family definition is critical for the effective implementation of all durable solutions. However, in this question we are particularly focusing on the definition of families adopted by resettlement countries.

These are usually narrow “western” definitions of family which do not reflect the reality of refugee experience, or different cultural models of family. This is particularly the case in countries which are using DNA testing to establish blood links in family definition. It ignores the important fact that many refugees informally adopt orphaned children both

of family members as well as unrelated children in need. Refugees do not have the luxury of access to formal adoption procedures. Families become separated and it is often years before they can reunite.

We would therefore like to ask:

- What progress has been made with host countries to discourage the practice of DNA testing?
- Given the UNHCR's "demonstrated dependency" definition of family is broader and more culturally appropriate to many refugee populations, what is UNHCR doing to encourage more host countries to adopt this definition for the purposes of family reunion?

D) Gail Kerr, Refugee Council Of Australia – Queensland.

Question to Africa Bureau Session on Tuesday 30 June 2009.

Regarding Family Reunion:

o Gail Kerr/ Madam Chair, Some families who became separated during or after conflict have been resettled to different countries. They find it extremely difficult to reunite with their family members as host countries are often unwilling to accept migration from another country of resettlement.

This causes great hardship and can significantly hinder the settlement process. We wish to stress the critical importance of family reunion for successful settlement and integration in a new country.

- What steps can UNHCR made to assist families who for various reasons had become separated and are now resettled in different countries?
- Given the higher support needs of refugees from protracted and forgotten situations, can UNHCR outline what it is doing to educate refugee communities about their human rights?

o Africa Bureau/ The family question is already taken into consideration.

E) Eileen Pittaway, Centre for Refugee Research.

Question to the High Commissioner on Wednesday 1st July 2009. Plenary including closing address.

o Eileen Pittaway/ Mr High Commissioner, We are all aware of the terrible situation of the many refugees locked into protracted and forgotten refugee situations. Many former refugees, now settled in third countries and with the security of citizenship, would like to have the opportunity to return to camps to assist in refugee determination and service provision.

- Could UNHCR consider using the knowledge and experience of resettled refugees to assist in refugee status determination and service provision in these situations?

- Could training be provided to build a team of former refugees who are willing to go onto a register to be called into assist in the response to forgotten and protracted refugee situations.

o High Commissioner/ Good idea. We need to work on that.

The Global Report by Liliane Lucky Lukoki – Mentor and Fatima Elzibar – Mentee.

Geneva, Friday 3rd July 2009