

# UNOFFICIAL SUMMARY\*

## June 2002

### GLOBAL CONSULTATIONS ON INTERNATIONAL PROTECTION FOLLOW-UP TO THE FOURTH MEETING OF THE THIRD TRACK: THE SEARCH FOR PROTECTION-BASED SOLUTIONS; PROTECTION OF REFUGEE WOMEN AND REFUGEE CHILDREN

#### I. INTRODUCTION

1. The fourth meeting under the “third track” of the Global Consultations (22–24 May 2002) considered five topics under the themes “The Search for Protection-Based Solutions” and the “Protection of Refugee Women and Refugee Children”: voluntary repatriation, resettlement, local integration, protection of refugee women, and protection of refugee children. Discussions led to a number of broad understandings and recommendations that lend themselves to follow-up action by States, UNHCR, NGOs and other organizations, as suggested below. This note should be read in conjunction with the Chairman’s Summary (circulated on 13 June 2002) and the draft report of the meeting (EC/GC/02/10), both of which describe the main conclusions in more detail. Its contents will be reflected in the draft Agenda for Protection along with those of the notes on follow-up to previous “third track” meetings of the Global Consultations.

#### II. VOLUNTARY REPATRIATION

##### Main Understandings and Follow-up

2. There was broad support for the tenor, principles and recommendations of the background note. While it was recognized that voluntary repatriation is the durable solution sought by the largest numbers of refugees, at the same time, delegations agreed that refugees should not be left to languish for long periods in refugee camps. In this regard, UNHCR was encouraged to review all protracted refugee situations and to develop comprehensive plans of action. Support was also given to UNHCR’s plan to update its 1996 Handbook on Voluntary Repatriation and the suggestion to elaborate an ExCom Conclusion addressing legal safety issues, including property concerns. Creating conditions conducive to repatriation in countries of origin, including the tackling of root causes, partnerships, resources, UNHCR’s role in voluntary repatriation and reintegration, hand-over and exit strategies are just some of the issues which were also discussed. Overall, there were four broad understandings under this topic as listed below. Possible follow-up action for each has been identified by UNHCR.

- (a) To elaborate comprehensive durable solutions strategies, especially for protracted refugee situations. Activities would comprise:
- UNHCR to undertake a review of all protracted refugee situations, with a view to exploring with States and other partners the feasibility of comprehensive plans of action, bringing into play each of the available durable solutions, to be implemented in close consultation with countries of origin, host countries, resettlement countries, and refugees themselves.
  - UNHCR to work together with all interested parties to propose “package deals”, involving various kinds of burden-sharing arrangements and all three types of durable solutions, wherever appropriate.

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\* These follow-up actions have been subsumed in the Agenda for Protection considered by the Standing Committee at its 24<sup>th</sup> meeting in June 2002.

(b) To improve conditions for voluntary repatriation:

- Countries of origin, working in cooperation with UNHCR and relevant partners, including OHCHR, to commit themselves to respecting the right to return and receiving back their refugees within an acceptable framework of physical, legal and material safety, achievable, for example, through amnesties, human rights guarantees, and measures to enable the restitution of property.
- In this regard also, countries of origin to explore more actively initiatives in the socio-economic, cultural and political spheres, to foster reconciliation and dialogue, particularly with refugee communities, and to ensure respect for the rule of law.
- States to put in place more coherent and comprehensive support to countries of origin, to assist them to discharge their responsibility to ensure the legal, physical and material security of refugees.
- Countries of origin and asylum, working in cooperation with UNHCR, to promote voluntary repatriation through measures facilitating decisions on return, such as “go-and-see visits”, information sessions involving exchanges between refugees and home-country officials, and similar confidence-building measures.
- ExCom to adopt a Conclusion addressing legal safety issues, including property concerns, as a complement to Conclusion No. 40 (XXXVI) on voluntary repatriation.

(c) To strengthen cooperation to make repatriation sustainable:

- UNHCR to update its 1996 *Handbook on Voluntary Repatriation*, with a sharpened focus on measures to strengthen cooperation among all concerned actors and build confidence.
- UNHCR and other relevant partners to assist the process of reconciliation by ensuring that planning and programming for repatriation include measures to encourage reconciliation, through promoting equity between returnees, displaced persons and local residents in access to essential services and participation in public life.
- UNHCR to ensure that planning for repatriation includes the early involvement of development partners, as a means to contribute to the sustainability of repatriation and to facilitate UNHCR’s timely hand-over and exit.
- States, UNHCR and development partners to adopt, as appropriate and in a spirit of partnership, a community-based focus regarding investment in reintegration, which accords sufficient priority to housing and essential services, in order to increase absorption capacity and contribute to reconciliation.
- States to take measures to ensure equal rights for returnee women in access to housing, property and land restitution.
- States, UNHCR and other partners to give a priority to ensuring that education possibilities are available to returnees in the country of origin, and that access is facilitated through arrangements which certify education, vocational or other training received while in exile.

(d) To rehabilitate refugee-impacted areas in former host countries:

- States to assess how they can best promote and positively contribute to efforts of the international community to provide for the rehabilitation of refugee-impacted areas in former countries of asylum.

### III. RESETTLEMENT

#### Main Understanding and Follow-up

3. While it was acknowledged that there are a number of constraints to the effective implementation of this solution, at the same time it was confirmed that resettlement should be seen as part of comprehensive protection strategies and can serve as tangible evidence of international solidarity and an effective means of

burden-sharing with countries of first asylum. The increasing gap between resettlement demand and supply was noted, calling for an increase in the number of resettlement countries and the number of resettlement cases. Early analysis of registration data to prepare for and anticipate the needs of specific groups, adequate resources, as well as streamlining requirements for the processing of applications for resettlement and improving methods and mechanisms to minimize the potential for malfeasance and address corruption and fraud were additional issues identified for follow-up. Two broad understandings were reached under this topic, for each of which follow-up activities were identified.

(a) To expand resettlement opportunities:

- States that do not yet offer resettlement opportunities to give positive consideration to making some resettlement places available.
- States and UNHCR to develop capacity-building programmes with new resettlement countries, involving training, as well as “twinning” and related support.
- States that offer resettlement opportunities to consider increasing their resettlement quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.
- States to put in place policies to ensure that resettlement runs in tandem with a more vigorous integration policy, aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country, especially as regards: education, including language training and skills development; the labour market; family reunification; and citizenship.

(b) To make more efficient use of resettlement, both as a protection tool and as a durable solution:

- States and UNHCR to streamline requirements for the processing of applications for resettlement, with a stronger focus on protection needs, and to explore the feasibility of establishing a central biometric registration system to support the identification of refugees in need of resettlement.
- States and UNHCR to examine how to carry out earlier analysis of data deriving from refugee registration, to anticipate the needs for resettlement of individuals or specific groups and to process resettlement applications more rapidly, particularly in emergency situations.
- States and UNHCR to give increased attention to gender-related protection needs in their resettlement programmes, in addition to the women-at-risk category.
- UNHCR to improve methods and mechanisms to minimize the potential for malfeasance and address corruption and fraud, and to keep ExCom informed of this effort.
- States and UNHCR to ensure the availability of adequate resources for resettlement activities, integrated in a balanced way in each geographic operation.

#### IV. LOCAL INTEGRATION

##### Main Understandings and Follow-up

4. There was broad endorsement of the tenor of the background note, including the definitions it contained and the concept of a comprehensive durable solutions strategy wherein local integration and self-reliance have their proper place. There were two broad understandings under this topic, which are listed below, with possible follow-up action for each.

(a) Giving a proper place to local Integration as part of a comprehensive strategy for durable solutions

- ExCom to set out framework considerations for implementing the solution of local integration, in the form of a Conclusion sensitive to the specificities of refugee needs, international and national legal standards, as well as the socio-economic realities of hosting countries. In this regard, a gender and age-sensitive community-development approach to local integration to be promoted,

taking into account, as possible and appropriate, needs of both the refugees and the local population.

- States to examine where, when and how to promote the grant of a secure legal status and residence rights for refugees who have already attained a considerable degree of socio-economic integration, which could include the opportunity to become naturalized citizens of the country of asylum.
- States, working in partnership with international and regional development actors, to contribute to the realization of local integration for refugees through burden sharing, which ensures that the necessary resources are available to underpin self-reliance and local integration, in a manner that sustains the viability of local communities affected by the presence of refugees.

(b) To achieve self-reliance for refugees:

- UNHCR and States to ensure that, from the outset, assistance programmes for refugees integrate strategies for self-reliance and empowerment. In this regard, UNHCR to act as a catalyst in mobilizing financial and technical support for such measures.
- In this regard also, UNHCR and States to look at relief-substitution strategies<sup>1</sup>, tapping in particular the resourcefulness and potential of refugee women, in an effort also to avoid the serious protection problems, including sexual and gender-based violence, which can result from over-dependency and idleness.
- States to consider expanding possibilities for education, vocational training, and agricultural and other income-generating programmes, benefiting men and women equitably.
- States, UNHCR and humanitarian partners to ensure that refugees, particularly refugee women and adolescents, and host communities themselves, participate in the design and development of self-reliance programmes.
- States, UNHCR and humanitarian partners to work with host countries on further developing integrated approaches that can strengthen the absorption capacity of refugee-hosting areas.
- UNHCR to make an inventory of best practices for self-reliance strategies, to provide States with practical, operational tools to turn principles into concrete measures.

## V. PROTECTION OF REFUGEE WOMEN

### Main Understandings and Follow-up

5. There was agreement that all partners involved – UNHCR, States and NGOs – have a responsibility to ensure international protection for refugee women and address refugee women’s concerns, since this group represents over half of the beneficiaries of UNHCR programmes. To enhance refugee protection for women, a series of actions were identified.

(a) To improve the framework for the protection of refugee women:

- States, UNHCR and partners to set in place measures to ensure that refugee women participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection- and gender-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.
- UNHCR to review the recommendations contained in the Women’s Commission for Refugee Women and Children’s assessment of UNHCR’s Guidelines on the Protection of Refugee Women<sup>2</sup> and to ensure timely and appropriate follow-up, with timeframes, as appropriate.

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<sup>1</sup> Efforts involving both refugees and local communities in producing certain items (e.g. cooking oil, flour, blankets, stoves).

<sup>2</sup> *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (May 2002)

- UNHCR to finalize revision of the *1991 Guidelines on the Protection of Refugee Women*, taking into account relevant findings of the Women's Commission for Refugee Women and Children's Assessment of implementation of the guidelines.
- UNHCR to ensure continuous dissemination and to oversee implementation of the *Guidelines on Gender-Related Persecution, Guidelines on the Protection of Refugee Women, and Sexual Violence against Refugee Women: Guidelines on Prevention and Response*.
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical women's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection, developed with partners and refugees themselves.
- States, UNHCR and other actors to ensure that a gender-equity perspective is mainstreamed into all training and learning programmes.

(b) To prevent age-based and sexual and gender-based violence:

- UNHCR to work with States and humanitarian partners to ensure the full implementation of its *Guidelines on the Protection of Refugee Women (Geneva, 1991)*, and on *Sexual Violence against Refugee Women: Guidelines on the Prevention and Response (Geneva, 1995 – under revision)*, as well as the High Commissioner's *Commitments to Refugee Women (12 December 2001)* and the *Policy on Protection from Sexual Exploitation*, which is being developed by the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation.
- States, UNHCR and other relevant actors to adopt measures to ensure that gender- and age-sensitive prevention and response mechanisms to sexual and gender-based violence, including a complaints mechanism and an appropriate staff accountability framework, are an integral part of all programmes in all refugee contexts, and include relevant educational and awareness-building programmes targeting men, women and children.<sup>3</sup>
- UNHCR and its partners to set in place a clear accountability structure for the protection of refugee women and refugee children from age-based and sexual and gender-based violence and ensure that applicable codes of conduct are respected in all humanitarian operations.
- States to provide appropriate legal and rehabilitative remedies and to follow-up on the Yokohama Global Commitment.<sup>4</sup>
- States, UNHCR and other humanitarian partners to conduct training and capacity-building on the rights and needs of survivors of sexual exploitation, violence and abuse.

## VI. PROTECTION OF REFUGEE CHILDREN

### Main Understandings and Follow-up

6. There was wide recognition that relevant standards and guidelines on the protection of refugee children are available, but that the problem lies in lack of their implementation on the ground. A number of actions were identified to remedy the current situation.

(a) To improve the framework for the protection of refugee children:

- States, UNHCR and partners to set in place measures to ensure that refugee children participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection- and age-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.

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<sup>3</sup> Using the Framework of Action to Address the Problem of Child Abuse in West Africa as an important inventory of measures which may also be relevant in other situations, particularly for the protection of refugee children.

<sup>4</sup> Second World Congress against Commercial Sexual Exploitation, held in Yokohama (Japan), 17–20 December 2001.

- States that have not yet ratified the *Convention on the Rights of the Child* and its *Optional Protocols on the Involvement of Children in Armed Conflict* and *on the Sale of Children, Child Prostitution and Child Pornography*, and the *1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption* should consider doing so, and States Parties to these instruments should implement them in good faith.
- States, UNHCR and humanitarian partners to continue, or establish, programmes to inform refugee children of their rights and encourage their participation in identifying protection problems, actions to alleviate them and decisions affecting them.
- States, UNHCR and humanitarian partners to continue, or set in place, training programmes on the rights of refugee children, drawing in particular on the *Convention on the Rights of the Child*, other elements of human rights and international humanitarian law and UNHCR's guidelines on the protection and care of refugee children.
- UNHCR to ensure continuous dissemination and to oversee implementation of the guidelines on the protection and care of refugee children.
- UNHCR to establish a monitoring process to measure implementation of the above *Guidelines* as well as follow-up on the recommendations made in the independent evaluation *Meeting the Rights and Protection Needs of Refugee Children* (May 2002).
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical children's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection developed with partners and refugee children themselves.
- UNHCR to enhance its partnership with UNICEF and Save the Children, to improve training and capacity building within the framework of the *Action on the Rights of Children* (ARC) project, and to give priority to training government and partner counterparts, as well as their own staff.

(b) To prevent the military recruitment of refugee children:

- States to take concrete measures to reduce the risk of and, to the extent possible, prevent the forcible recruitment of refugees, in particular refugee children, including by ensuring access to education and vocational training.
- States that have not yet ratified the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* to consider doing so, with a view to early accession.
- States, UNHCR and other humanitarian partners to raise awareness of and conduct training on the prevention of military recruitment among refugee populations.
- States, UNICEF and other actors, including UNHCR, where appropriate, to set up special programmes to disarm, demobilize and reintegrate child soldiers who are among refugee populations, equally benefiting and addressing the particular situation of male and female child soldiers.

## VII. ISSUES RELATING TO THE PROTECTION OF REFUGEE WOMEN AND REFUGEE CHILDREN

The following actions were identified which relate to both topics, protection of refugee women and protection of refugee children.

(a) To improve individual asylum procedures for refugee women and refugee children:

- States to introduce or, as necessary, enhance gender- and age-specific safeguards in asylum procedures, with due weight being accorded to the principle of family unity and bearing in mind the requirements of the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women*, as well as related UNHCR guidelines.<sup>5</sup>

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<sup>5</sup> UNHCR's *Guidelines on Gender-Related Persecution* (HCR/GIP/02/01, May 2002), UNHCR's *Guidelines on the Protection of Refugee Women* (Geneva, 1991), UNHCR's *Sexual Violence against Refugee Women: Guidelines on*

- States and UNHCR to work to ensure, through targeted training and the provision of legal assistance, counselling and support possibilities, that claims lodged by female and child asylum-seekers take properly and sensitively into account gender and age specificities, including forms of persecution which have specific gender- or age-related aspects.
  - States and UNHCR to undertake consultations, preferably within ExCom, on ways to better manage the challenge of increasing claims to refugee status from unaccompanied and separated child asylum-seekers.
- (b) To provide adequate reception arrangements:
- States, UNHCR, NGOs and other partners to work with refugee communities to address the needs of unaccompanied and separated child asylum-seekers and refugees, including, as necessary, their temporary placement in foster families or the appointment of State or non-State guardians and the monitoring of such arrangements.
  - States more concertedly to explore appropriate alternatives to the detention of asylum-seekers and refugees, and to abstain, in principle, from detaining children.
- (c) To better register and document refugee women and refugee children:
- In keeping with the *Conclusion on Registration of Refugees and Asylum-Seekers* (No. 91 (LII) (2001)), States to register and document refugees and asylum-seekers on their territory on an individual basis as quickly as possible upon their arrival, in a manner which contributes to improving their security, their access to essential services and their freedom of movement.
  - States to provide necessary documents relating to civil status (e.g. birth, marriage, divorce, death), benefiting from the support and cooperation of UNHCR, where appropriate.
  - States, UNHCR and other relevant partners to use registration data to identify and make specific assistance and protection arrangements for: women with any special protection concerns, unaccompanied and separated children, child- and single-headed households, as well as handicapped refugees and the elderly.
- (d) To strengthen international efforts to combat smuggling and trafficking:
- States to ensure that their own asylum processes are open to receiving claims from individual trafficked women and girls who can base their claim to asylum on grounds which are not manifestly unfounded.
- (e) To improve conditions for voluntary repatriation:
- States to facilitate the participation of refugees, including women, in peace negotiations and to ensure that such agreements duly recognize the right to return and contemplate measures to encourage repatriation, reintegration and reconciliation.
  - States and UNHCR to ensure that gender- and age-related issues particular to a repatriation or reintegration programme are identified at an early stage and are fully taken into account in the planning and implementation of voluntary repatriation programmes.
  - States and UNHCR to ensure that both women and men are given an opportunity to make a fully informed decision regarding return and to sign individually the Voluntary Repatriation Form.