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POUR LES REFUGIES

UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

**GLOBAL CONSULTATIONS
ON INTERNATIONAL PROTECTION**

“THE REFUGEE PERSPECTIVE”

RECOMMENDATIONS

14 – 16 September 2001

Institut du Développement Social – Rouen

INTRODUCTION

In pursuit of the Global Consultations objective of reaching out to actors and beneficiaries of the international refugee protection regime, UNHCR, in collaboration with the Institut du Développement Social, organised a meeting of refugees living in Europe, with the aim of conducting a reality check through the refugees' eyes. The meeting which was attended by some seventy refugee participants, took place at the Institut du Développement Social in Rouen, from 14 to 16 September 2001.

The meeting took the form of three separate workshops, which examined the asylum process, integration, and voluntary repatriation respectively. Discussions were based on a comparative analysis of the refugees' personal experiences and their views about the practice in their countries of asylum. This document summarises the recommendations of the three workshops and serves as *the Refugee Perspective* in the ongoing Global Consultations on International Protection.

The refugees submit this report through UNHCR as their contribution to the ongoing Global Consultations on International Protection, with particular regard to the third track discussions on challenges that were not foreseen at the conception of the Convention 50 years ago.

PREAMBLE

- Recognising the changed context of the application of international protection from what it was when the 1951 Convention Relating to the Status of Refugees was drawn up;
- Noting the variations between states in the interpretation and implementation of the 1951 Convention;
- Cognisant of the duties and responsibilities of states, intergovernmental and non-governmental organisations in the implementation of international protection;
- Noting that in recent times, an increased volume of applications for protection has caused difficulties for those seeking protection and states alike;
- Reaffirming the centrality of the 1951 Convention relating to Refugees and the 1967 Protocol;
- Appreciating the need to examine gaps in the 1951 Convention with regard to the protection of refugees in individual asylum systems and in mass influx situations;
- Acknowledging the need to address the increasingly blurred distinction between asylum and migration, and the importance of protection-based durable solutions;

The participants submit the following recommendations and appeal to States, experts and organisations participating in the Global Consultations, to give them due consideration.

I. RECOMMENDATIONS ON THE ASYLUM PROCESS

The workshop identified three key problem areas for asylum seekers during the asylum process, namely: access to territory and reception; access to the procedure; and refugee status determination. Participants discussed the basic elements that need to be considered in the development of a common approach to asylum processes and recommend:

i. ACCESS TO TERRITORY AND RECEPTION MECHANISMS

1. That refugees worldwide should enjoy the natural right to freedom of movement.
2. That states and all other concerned parties should undertake a separate examination of migration policies/legislation with the aim of separating international protection from migration.
3. That in order for it to make a greater impact, UNHCR's influence should be strengthened and in co-ordination with refugee groups, it should play an enhanced role in facilitating access to territory and preventing the denial of access at ports of entry.
4. That those seeking protection should have access to food, shelter, medical care and legal advice at standards comparable to those offered to nationals of the asylum country from the moment they present themselves to the authorities.
5. That without discrimination and with due regard to their situation, asylum seekers should be given access to employment pending the decision on their applications.

ii. ACCESS TO THE ASYLUM PROCEDURE

1. That legal advice be made available to asylum seekers prior to interview or completion of any written questionnaires.
2. That asylum seekers should not be treated with suspicion on their credibility even before they have had the chance to present their claim.
3. That refugees should be entitled to study the local language and further their education in the countries where they seek asylum.
4. That the lack of knowledge of the local language should not be used to deny access to protection or to employment, education, health and other services.
5. That in order to reduce the backlog of asylum applications and release resources for speedy determination, there should be a general regularisation of the status of all asylum applicants whose cases have been pending for more than an agreed period of time.

6. That where applicants have passed through third countries, careful consideration should be made of the reasons for their failure to apply in the third country. No third country should automatically be treated as safe for all applicants and transit through them should not be the reason for the rejection of applications.

iii. THE STATUS DETERMINATION PROCEDURE

1. That applicants should have the right to be accompanied at interviews by legal advisers, representatives of human rights organisations and competent interpreters.
2. That asylum seekers be given access to documentary, audio or video evidence prior to decisions on their applications for comments and/or rebuttals.
3. That to ensure a fair, efficient, transparent, and credible decision making process, a panel composed of representatives of human rights organisations, experts in asylum law and individuals with knowledge of the region of origin should consider applications and make recommendations to states for decisions.
4. That the process of decision making on asylum cases should be made open and transparent and standards should be set for uniformity in implementation.
5. That gender guidelines as practised in the USA, Canada and Australia be adopted for universal application¹.
6. That non-state persecution and systematic sexual and/or psychological violence against women be read into the Convention grounds for international protection.
7. That interpreters and translators should be vetted to ensure that they have no political affiliations with governments or other agents/organisations applicants are fleeing from.
8. That decisions should be based on balanced reports emanating from different groups including refugee groups, NGOs and human rights organisations and not only the state organs.
9. That the UNHCR should address the credibility problems relating to country of origin information.
10. That all parties in the determination process should receive adequate training and regular briefings on asylum-seeker producing regions they are responsible for.
11. That asylum seekers should be informed about the reports used and grounds for the refusal of their applications.

¹ This covers the entirety of gender biases in both private and public spheres and in all its ramifications. It is also expected that all concerned parties will implement the Beijing platform for action.

12. That provision should be made for review and appeal at all stages of the asylum process.
13. That UNHCR and refugee groups should, with the co-operation of states, act as observers of the asylum process².

II. RECOMMENDATIONS ON REFUGEE INTEGRATION

The workshop examined the main areas where refugees face challenges during their sojourn and integration in the host country. Participants considered not only their rights within the host communities but also acknowledged their duties and responsibilities. Below are the main recommendations.

i. POLITICAL

1. We call upon European politicians to raise public awareness about refugee matters and train civil servants on Human Rights issues, while restricting themselves consciously from using hostile words and terminology against refugees too. We also appeal to MPs and MEPs to create a channel of communication with the integrated refugees in order to monitor factors affecting refugee integration.
2. We are aware that abiding by the law of the host society is one of the important prerequisites of refugee integration. While we call upon all refugees to honour this binding principle, we also call upon European governments to provide access and opportunities to refugees so that they can take active part in some political activities such as local, national and European elections.
3. Although small in their numbers, refugee communities are playing an active role in the integration process. However, they are under-resourced and cannot be able to deliver services unless funded and supported appropriately. We therefore call upon European governments to help establish a national consultative group, which will have a strong link with the UNHCR offices.
4. Freedom of movement is a right to every citizen of the world constituted by law. Unfortunately, refugees who have been given a status do not enjoy this basic right in some European countries. We therefore call upon European governments to standardise and harmonise their policies and allow refugees to enjoy equal rights like their citizens and work in other European countries without restrictions.

ii. CULTURAL

1. We understand that cultural changes are evolutionary and it is not possible to change behavioural patterns and attitudes over night. We however call upon the

² Some participants noted that the presence of UNHCR at such places might not necessarily be a good thing given their previous experiences.

host governments and institutions in place to promote cultural diversity educating their society about refugees. We believe that this can be done by organising events of cultural exchange and supporting refugee communities. On the other hand, refugees, in all spheres of their activities, should respect the host society's culture and social norms. Refugees should also take responsibilities in refraining from any act of abuse directed against women and children as enshrined in the national laws of the European countries to protect the interests of vulnerable groups in society.

2. We believe that the process of integration should start from the time refugees arrive in the host society. We therefore call upon EU governments to provide a welcoming environment and establish friendly reception conditions as a basis for positive integration.

iii. ECONOMIC

Economic integration is a key factor to other forms of integration. We believe that refugees who play an active role in the host society's economic life are the better integrated ones. In this regard, we call upon European governments to:

1. Apply an equal opportunity policy that provides refugees with access to education, training, employment, etc ;
2. Lift the restrictions on the issuing of work permits in order to enable refugees to contribute effectively to the economic development of the host society;
3. Facilitate access to the labour market by either recognising refugees' qualifications acquired from abroad, or by allocating resources to help bring these qualifications to the standard required by institutions in the host society;
4. Fund special training schemes that would enable refugees to adapt their knowledge and acquire new skills relevant to the economy;
5. Increase financial and technical support to refugee NGO's and business ventures;
6. Encourage and support employers dedicated to providing work placement and employment opportunities to refugees;
7. Identify those refugees who can establish small businesses or engage in business ventures within the society, and increase financial and logistical support to help them set up and run these businesses;
8. Recognise the contribution refugees are making to the local economy, often taking up jobs that are unwanted by the mainstream society and by working unsocial hours.

iv. SOCIAL

Refugees are usually the most affected by social changes taking place in their respective host nations. Due to their position, they are likely to remain marginalised. It is thus important that European governments ensure that everyone enjoys a reasonable quality of life. It is for this reason that we hereby make the following recommendations:

1. We appeal unto governments to ensure that refugees and asylum seekers are given the same rights enjoyed by citizens while granting welfare benefits such as education facilities, housing and healthcare services. We call upon European Union governments to:
 - assess the needs and problems of refugees, and come up with positive policies designed to address these issues ;
 - acknowledge the power and influence of the media and hence promote a positive image of refugees in the media in order to change people's attitudes, perceptions, prejudices and stereotypes;
 - give a special attention to the needs of special categories of refugees such as women and children and therefore make provision to protect them from the effects of cultural taboos and practices in the host country ;
 - Acknowledge the effects of separation (of members of the same family) and its impact on integration. We thus call upon EU governments to harmonise and standardise the process of family re-unification.
2. While we call upon EU governments to take the above measures to facilitate social integration, we acknowledge that this can only be achieved with the conscious participation of refugees. We consequently pledge to respect the social norms of the host society, develop our social networks individually and collectively, and contribute to the values of the host country by advocating tolerance, refraining from violence and fighting crime and its causes.

III. RECOMMENDATIONS ON VOLUNTARY REPATRIATION

Participants highlighted some socio-political and economic problems militating against repatriation and identified the conditions that if fulfilled, would favour the return of refugees to their homelands. Participants came up with the following recommendations:

i. POLITICAL

- Repatriation must retain its voluntary character and should not be used as a tool for manipulating refugees. Repatriation should be an option, not the solution. Refugees should be able to freely choose between returning to their homeland or staying in the host community.
- Countries whose citizens have been compelled to flee persecution should be prepared to receive their returning citizens in good faith and show concrete commitment to their reintegration. Home countries should match their rhetoric with action by creating a conducive political atmosphere for repatriation and not mount obstacles to voluntary repatriation while publicly proclaiming commitment.
- The international community and organisations such as UNHCR should obtain a firm commitment from national Governments to accept and welcome their returning nationals and protect them from any institutional threat to their lives.
- Security, stability and peace are the prerequisites for any successful repatriation and should be respected by all the parties involved in organising repatriation. Refugees will return to their country of origin if there is peace and a long-term perspective of political stability. Any form of threat to their safety and security will undermine efforts to start a new life and could trigger a new exodus.
- The human, civil and political rights of returnees should be respected to ensure a full reinsertion into their communities of origin. This can only be achieved through peaceful constitutional changes and the replacement of repressive regimes.

ii. SOCIAL

- Returnees' governments should be assisted in setting up proper mechanisms for the re-integration process. Re-integration on return is as difficult as integration. Obstacles thereto, should be addressed by all concerned. The international community should monitor the voluntary return as well as the expenditure of the financial assistance provided for the reintegration process.
- Returnees have to confront the problem of shelter. They usually return to find their houses and property destroyed or occupied by others during their exile. Refugees will be encouraged to repatriate if there is a plan to help them regain or rebuild their homes.
- Returnees frequently find tremendous social changes in their countries of origin, which often turn them into strangers in their own homeland. They should therefore be supported in their efforts to renew old ties and start a new life.
- Humanitarian assistance that includes contingency educational facilities for returnees' children could provide the additional family stability which is crucial for a smooth re-integration.

iii. ECONOMIC

- The destruction of public infrastructure and the economic base of the society in times of strife means scarce employment for returnees. Repatriation can only be sustained if returnees are assured of employment opportunities to help them restart their lives. Their home governments should also be supported through the difficult process of rebuilding the economy.
- The return of refugees to their countries of origin can prompt the revitalisation and rehabilitation of a ruined economy. Refugees usually command vital skills before they leave their countries and during their exile they often acquire new skills which could be beneficial in their reintegration efforts. Their exposure to alien cultures and new economic management skills can be helpful. They should be encouraged to make use of their new skills in their home country.
- Returnees sometimes return home empty handed. They should be given the minimum financial support to start a new life. In this regard, small-scale projects could be useful starting points. Where feasible, the asylum country should participate financially in the re-integration process.
- Financial support to reintegration projects by national governments and international institutions at the initial stages are vital. Care should be taken to prevent conflict between returnees and those who had stayed behind in their own countries. Reintegration projects should involve and benefit local communities.

IV. Vote of thanks and appeal for follow-up

We appreciate the initiatives undertaken by the UNHCR in organising this conference which is the first of this kind in Europe. We would like to take this opportunity to express our thanks to those who have made it possible and ask them to identify resources so that such a consultation could be carried out consistently. Any consultation process can only be effective when problems are identified and recommendations are acted upon. To this end, we call upon the UNHCR to engage us in the evaluation process, inform us about the outcome and provide us with appropriate feedback.