

SUMMARY REPORT AND GENDER AUDIT OF THE 2012 ANNUAL NGO CONSULTATIONS

Report Available at www.arra.org
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Purpose of the ARRA Report & Focus Areas

This brochure is to be used as a summary of the ARRA report collated on the 2012 Annual NGO Consultations, held 3rd-5th July 2012, in Geneva.¹ It is intended to be used as: a feedback mechanism for supporters of issues taken to Geneva; a tool for information sharing; a record of themes and advances in advocacy; and to determine potential themes or patterns over time. Key issues identified as priorities for ARRA in 2012 included:

1. Women and Girls at Risk
2. Follow up on State Pledges
3. Repatriation
4. Human Rights and families in Australia
5. Africa Issues
6. MENA Issues
7. Asia Issues

¹ For greater information on the purpose, outcomes and detail contained in this report, as well as the complete NGO Consultation Agenda please see the full version found on the ARRA website: www.arra.org

Purpose of Gender Audit

As part of this summary a qualitative and quantitative assessment of the manner in which gender issues were addressed by UNHCR, panel members and NGO delegates has been included. The term 'gender' addresses all refugee groups who face discrimination based on their gender, sexual orientation or gender identity. The gender assessment is measured against the indicators below:²

1. Women and Girls
2. Heightened Risk Identification Tool (HRIT)
3. Handbook on Women and Girls
4. Sanitary Materials
5. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)
6. Sexual and Gender Based Violence (SGBV)
7. Gender Aggregated Data and Gender Indicators: Focus and Program.
8. Accountability (Monitoring and Accountability)
9. Survival Sex
10. Livelihoods
11. Education of Girls

The green boxes presented in this paper indicate the page numbers of which further information and details can be found on each section in the full version of the 2013 **ARRA Report**.

² In order to maintain consistency in reporting, the 2011 Gender Audit has used the same methodology as the 2009 and 2010 reports

Snapshot of NGO Consultation Agenda.

Tuesday 3rd July:

- Registration and orientation.
- Plenary session.
- Side Event: Access to justice for victims and survivors of SGBV.
- Thematic Sessions:
 - a) Refugee resettlement (double session).
 - b) Climate change and people movement (double session).
 - c) Information management symposium.

Wednesday 4th July:

- Regional Sessions:
 - 1) MENA Bureau (double session).
 - 2) Asia Bureau.
 - 3) Africa Bureau.
- Thematic Session:
 - a) Strategic litigation.
 - b) Strategies and tools for protection of Stateless persons (double session).
 - c) Implementing partnerships with UNHCR (double sessions).
 - d) Marginalisation and social exclusion of particular refugee populations.
 - e) Redefining protection of children in emergencies

Thursday 5th July:

- Regional informal meetings.
- Regional session:
 - 1) Europe Bureau
 - 2) Americas Bureau
- Report back on NGO Consultations/Closing address.

Key Findings and Themes of Gender Audit:

The figures from this year's Gender Audit indicate that gender was not a key focus of the 2012 Annual NGO Consultations. Protection of children, statelessness, IDPs, budgetary constraints and the need for increased partnerships with NGOs and UNHCR took the forefront of discussions, with little acknowledgement of the additional difficulties for women to gain protection in these situations.

A data comparison of the 2011 and 2012 findings can be found at the conclusion of this paper, which presents a visual representation of the breakdown of data collected.

From a regional perspective, gender-specific issues were not at the forefront of discussions and in comparison to 2011, were ignored in Bureau discussions. The Africa Bureau session generated a number of gendered questions from the NGO community; however, all questions were left unanswered. Given the large scale emergencies that the MENA Bureau are facing, it was positive to the role of women's civil society discussed, with UNHCR encouraging policy reform in this area. Sadly, the Asia, Europe and Americas Bureaus failed to generate any discussion towards gendered issues. Highlighting, that on a regional level gender is largely omitted from key discussions.

From the Gender Audit's findings Women and Girls were featured most significantly, followed by SGBV. Whilst Gender Aggregated Data was only mentioned once. This trend was reflected in the 2011 data also.

In 2011 there was one gender specific thematic session, based on the Women's Regional Dialogues, and one round table meeting in regards to LGBTI. Similarly, in 2012 only one side meeting, Erika Feller's Access to

Justice for SGBV Survivors, was held specific to gender related issues. Despite no increase in side meetings dedicated to gender, it was promising to note that the Marginalised and Social Exclusion session had a panel presentation on protection limitations for LGBTI populations. For purposes of accuracy the quantitative data from this session was omitted, as it was as it was gender- specific; however, it is clear that protection issues faced by LGBTI refugees are increasing in focus and acceptance

The findings from the 2012 Gender Audit highlight that the NGO community and other relevant stakeholders need to continue to push for gender specific protection issues to be included in international dialogues. This is crucial to ensure that the mainstreaming of gender occurs across all facets of refugee protection.

PLENARY OPENING - DISCUSSIONS.

Key Discussions by Panellists and UNHCR:

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- Deputy High Commissioner reminded that when describing experiences or situations of refugees to ensure that it is not disempowering, but rather recognizes their contributions.
- UNHCR's two main focus areas for 2012 are innovation and self-reliance.
- Active partnerships between UNHCR and NGOs are vital, so too are fostering relationships with host communities.
- Key challenges highlighted were limits in funding and access to refugee populations in conflicting countries.

Key Concerns and Recommendations from NGO Delegates:

- Confederation of Voluntary Association recommended that more refugee representatives should be able to express their views at international forums. Regional consultations should be used where financial or identity paper constraints are present.
- Refugee Council of Australia requested that UNHCR do an audit on its accessibility of its offices for refugees, asylum seekers and NGOs.
- Asylum Access highlighted that Tanzanian Government is in the process of developing an Urban Refugee Policy.
- Asian Women's Human Rights Network was concerned over the lack of consultative processes with refugees from Burma in regards to future repatriation plans.
- A large discussion around the use of language that is disempowering to refugees, for example 'burden' was led by Centre for Refugee Research, Refugee Rights Clinic and Confederation of Voluntary Association.

PLENARY OPENING - GENDER AUDIT.

NGOs:

- Ethiopian NGO raised concerns over female genital mutilation (FGM) practices and requested that support be given in addressing this issue.

UNHCR:

- Deputy High Commissioner encouraged for more innovative strategies and different ways to work with women and children in camp and resettlement contexts.

ANALYSIS:

There was minimal in-depth discussion surrounding gender specific issues. FGM raised by the Ethiopian NGO received no feedback or further engagement in discussions. As it was the opening address most points, gender and non-gender were relatively high-level as the expectation was that issues brought up would be discussed further in the sessions throughout the week.

AFRICA BUREAU - DISCUSSIONS.

Key Discussions from Panellists and UNHCR:

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- Overall low interest from Rwandan refugees in voluntary repatriation. 7,500 Rwandan refugees returned from DRC in 2011, but there are large funding deficit in supporting this process.
- Repatriation of Burundi refugees from Tanzania was halted last year due to concerns from community that they had not been adequately consulted.
- Forced deportation, limited government interest in securing legal status for individuals and resistance from refugees to return were key issues in the closure of Mtabilia Refugee Camp, Tanzania.
- UNHCR highlighted more efficient use of resources will be needed due to financial budget cuts in 2013.

Key Concerns and Recommendations from NGO Delegates:

- The lack of adequate initial planning of refugee camps, including placing camps on unsafe and harsh landscapes; unsuitable to house large numbers raised. Better management and planning needs to occur as to not destabilize host countries and refugee populations.
- Inadequate funding of camps, with water supply not meeting minimal standards and general health deteriorated overall. NGOs and UNHCR need to lobby government together to create pressure for greater resources to be provided.
- Needs beyond basics, especially education and livelihood promotion barely existent or in some cases, not at all. Creative solutions needed outside of the 'lifesaving' focus for more sustainable outcomes.
- Concerns for the cessation in Angola and Rwanda, what will happen to those who cannot return?

AFRICA BUREAU - GENDER AUDIT.

NGOs:

- Forced Migration Services questioned what UNHCR was doing in regards to the specific needs of women and girls in the camp contexts, particularly in the case of Mali camps.
- Survival sex was highlighted by two NGOs, with the Centre for Refugee Research raising concern for unaccompanied minor girls trying to survive. Similarly, Office for Refugee Archdiocese of Toronto, noted that the decreased UNHCR budget and consequently lack of livelihood promotion may lead to increases in survival sex.
- Somali Women Development Centre reported that local women were being raped every night, highlighting it is a huge concern.
- Centre for Refugee Research, Australia sought advice on what will happen to women during repatriation processes, noting the cases of Sierra Leone and Guinea, of who cannot return due to risk of or past trauma from SGBV. Also, noted that livelihood options of those repatriated lacked a gendered element.

Panellists and UNHCR:

- Two broad statements in the presentations referred to women and girls being a concern, however no other details were given.

Analysis:

All concerns regarding gender were brought up by the NGO delegates, with repatriation, lack of livelihood options, unaccompanied minors and unsafe camp environments the main points of concern. With the exception of two broad statements within the panellist's presentations no further details were given on behalf of UNHCR and its partners. All questions and concerns regarding women and girls raised by NGO delegates were not addressed in UNHCR's responses.

Key Discussions from Panellists and UNHCR:

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- 100,000 Syrian's have left the country with 88,000 Mali refugees in a similar situation. 1 million people left Libya into Jordan and Tunisia last year. 7 major emergencies are occurring in MENA regions.
- Many Somalis, Eritreans and Ethiopians are entering Yemen, who has kept their borders open. Yemen needs more support to cope. Many identified as not refugees, but fleeing poverty and conflict.
- Much of civil society is missing in MENA region, partnerships between humanitarian sector and civil society need to strengthen.
- Local NGOs lack the experience in dealing with emergencies and responding adequately.

Key Concerns and Recommendations from NGO Delegates:

- Current responses are seriously underfunded and do not meet the needs of the emergency situations or aid in building institutional capacity. Humanitarian actors are vital in emergency situations and need to be supported and directed by civil society actors, including women and youth groups.
- IDP and refugee situations are dire in the region. Situations for Iraqis are rarely acknowledged, Somali situations unresolved and new emergencies in Syria and Mali are a major concern. Human right abuses in these situations, particularly the torture of Sub-Saharan Africans in the Sinai Dessert en-route to Israel are severe.
- Cross-regional dialogues between Africa and MENA needs to occur to find solutions to the increasing number of refugees coming from Africa.
- Religion has played a major part in extremist activities. Peace between all religions needs to be focused on.

NGOS:

- Medical Care Development International (MCDI) highlighted that a focus needs to be given to women in response efforts.

Panellists and UNHCR:

- Protracted situations have many issues associated with women, children and elderly that need addressing.
- Support needs to be given to agencies to deliver safe services to victims of rape.
- In regards to MCDI's comments it cannot be disregarded that 50% of the population of concern are women. Assistance in health, shelter, vocational and livelihood assistance and SGBV prevention are needed. It is viewed that women are a vital pillar in situations of emergency. Therefore, participatory assessment and a systematic effort to include women in strategic planning should be done. The capacity of women organizations also need to be fostered sub-regionally and across MENA. UNHCR can assist in informing policy in regards to this.

Analysis:

The seven major emergencies and break down of the region took priority of discussion in this section. Only a broad statement from MCDI was raised from the NGO community. However, UNHCR's response was positive and quite thorough. They drew attention to the fact that women play a vital role in conflict and emergency situations, but that they are also at a more heightened risk of violence and abuse during these times. UNHCR offered to help inform policy discussions around building upon the capacity of women organisations, a vital tool in empowering women and combating issues such as SGBV.

Key Discussions from Panellists and UNHCR:

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- Asia holds the greatest number of refugees in the world, with the region mainly seen as a transit point.
- Normative framework in the region is weak. Creative methods need to be sought to address this.
- Afghanistan, Nepal, Sri Lanka and Burma seen as the major situations in the region. Afghanistan the most problematic.
- Many IDPs have returned in Sri Lanka, conditions are not ideal.
- Amount of displaced Bhutanese in Nepal have halved.
- Situation in Burma is promising. High level engagement between UNHCR and Burmese Government needed over repatriation. Rakhine State still deep in conflict.
- Bali Process progressing with the Bangkok office opening soon.
- The terminology of ‘burden-sharing’ needs to be redefined as to reflect the capacities of refugees.

Key Concerns and Recommendations from NGO Delegates:

- Bali Process has been going on for 11 years with little progression and no improvements to protection of refugees.
- The situation for the Rohingya is concerning, UNHCR need to ensure that it does not become protracted. Many of the arrivals since 2005 on the Thai-Burma border have not been registered.
- A greater partnership between all in the region is needed, particularly in the context of supporting Afghanistan.
- Concerns over the future repatriation process to Burma and implementation strategies may be discriminative.

NGOS:

- No references to gender were noted.

Panellists and UNHCR:

- APRRN panelist noted that SGBV was one of the increased risks to women in the region.

Analysis:

The only reference to gender dimensions was noted by APRPN panellist, who stated that due to the fragile protection environment of Asia SGBV was an increased risk to women. Whilst, the detention of children was noted, no comments of the gender of those being detained and their specific needs were mentioned. Given the high levels of SGBV within conflict and camp situations in the region it was disappointing that this was not highlighted and equally that the role of women’s civil organisations was not raised either. APRRN is viewed as a strong regional partnership, however it must be noted that few women’s organisations are members of the network.

Key Discussions with Panellists and UNHCR:

- 330,000 asylum seeker claims were processed last year; 20% up on the previous year. However, compared to 20 years ago this is viewed as relatively low and sustainable.
- Xenophobic behavior is shaping both policies and public perceptions, and consequently affecting asylum seekers.
- The media is having a large role in fueling these xenophobic fears; the increase in 24hour news bulletins and the need to find stories, along with the economic crisis have been highlighted as contributors.
- Domestic politics are capitalizing on the environment of fear, influenced by the media.
- Lack of data surrounding racism, with disparities in behavior. Survey suggests that 87% respondents are sympathetic to those fleeing conflict and 80% believe they should be given protection.

Key Concerns and Recommendations from NGO Delegates:

- The underreporting of xenophobic crimes and under utilization of refugee services is occurring due to fear.
- Media, particularly social media has allowed xenophobic extremists to promote ideas and draw attention to their views.
- The general perception of refugees in the media is negative; need to utilise media, including social means to break down these barriers. Bringing journalists and refugees together in a safe environment, based on a South African program was highlighted as good practice.
- Australia sited as having good model for multicultural services.
- Governments need to act on xenophobic behavior and NGOs need to lobby governments to do so.
- Ethical press codes need to be enforced to combat xenophobic media.

- Greater monitoring and reporting mechanisms needed for reporting xenophobic crimes.
- More informed data needs to be collected on the topic to address data gaps currently.

EUROPE BUREAU – GENDER AUDIT.

NGOs:

- MCDI highlighted that issues of female genital mutilation (FGM), honour killings and forced marriage were valid concerns in the community, but were also picked up by the media and spun out of control. Concerned that such media attention was contributing to xenophobic attitudes and causing fear.

UNHCR:

- Highlighted that FGM was a cultural issue that needed to be address.

Analysis:

The only mention of gender-specific issues in this session was contentious and aimed more on focusing on the religious dimensions and media attention. MCDI highlighted pressing issues, but referred to them as problems stemming out of Islamic beliefs. UNHCR responded in stating that linking FGM and the Koran was not correct, and that it was more of an issue surrounding culture. Therefore, the focus on gender issues was diverted by conflicting opinions of religious influences and media roles.

Key Discussions with Panellists and UNHCR:

- 400,000 Columbian refugees in neighbouring countries or in the region. Over 4 million IDPs. Columbia not the only country of concern.
- The Keto Agreement needs strengthening, with words being put into actions.
- States have been more concerned with security and migration control than protection.
- Progress is needed in Refugee Status Determination (RSD) procedures. Legal representation and assistance to refugee and stateless people is lacking, particularly since few countries are signatory to the 1951 Convention.
- NGOs and civil society is viewed as meddling in government’s agendas, however they need to keep persisting to ensure governments are held accountable.
- Civil society’s role is important in providing legal support and addressing gaps at individual, regional and international level.
- Refugees who commit crimes should be removed.
- Xenophobia within communities is a concern.

Key Concerns and Recommendations from NGO Delegates:

- The RSD procedures are far too slow pace and under-resourced.
- Many of the Refugee National Committees staff lacks knowledge and skills in carrying out RSD analysis. Often the person who starts the claim does not finish it.
- Review of Mexico Action Plan and Cartagena Agreement is needed. 2014 civil societies to submit proposal review.
- Follow up on the Keto Conference and a monitoring of the outcomes needed.

- Legal rights of refugees should be strengthened, including joint litigation strategies, such as RSD training for legal professionals, legal reviews of RSD decisions and legal aid services.
- Inter-Americas collaboration should be formed and promoted.
- Trafficking networks exploit many individuals, particularly in the context of Brazil.

AMERICAS BUREAU – GENDER AUDIT.

NGOs:

- No reference to gender was noted.

- Need for resettlement outweighs placements available. 80,000 places available; 172,000 refugees need places.
- 20,000 places not filled last year. Extended processing methods – including security checks, discrimination and racial profiling cited as problems.
- Focus needs to be on post-arrival phase also, engagement at a whole process needed. Particularly for those who have experience severe tragedies and trauma.
- Resettlement Handbook now includes guidelines on receiving referrals from NGOs.
- Suggest using HRIT as a framework for identifying particularly vulnerable groups.
- Break down communication barriers with local communities, through discussion, refugee ambassador youth programs and media coverage.

Key Concerns and Recommendations from NGO Delegates:

- Explore sponsorship of refugees by civic groups.
- Consider assessing political prisoners as vulnerable group.
- Need stronger relationships to encourage NGO referrals to UNHCR. NGOs have a much stronger relationship with refugees and ability to conduct outreach programs to identify groups at risk.
- Employ refugees for service deliver and involve refugees in service planning and implementation.
- Advocate for family reunion to be a priority, this can be very distressing for individuals.
- A lack of information about refugee resettlement was being delivered to local communities. Seen as a strategy to break down xenophobia and fear.

NGOs:

- Highlighted that women and girls are still at risk even when resettled because of pre-arrival experiences. These can be compounded by resettlement challenges such as language and culture.
- LGBTI was brought up on two occasions in identifying that groups were often discriminated against or where not understood by service providers.
- Refugee Point identified in the context of Nairobi that many vulnerable groups struggle to survive, including women at risk.

Panellists and UNHCR:

- AMES panelist identified that isolated refugees are quite vulnerable, especially women with young children.
- AMES sighted as best practice offering English language training to single and young mothers, whilst offering home-based care for small children.
- AMES offers Women at Risk Program and provides accommodation to support these women.
- AMES was concerned that few services were made available to LGBTI groups as discrimination is still present.
- UNHCR recommended that the HRIT be used to identify particularly vulnerable groups.

Analysis.

The resettlement session was strong in its advocacy for gender issues and its support for LGBTI communities. It was encouraging to see UNHCR stress that women and girls remain at risk even after resettlement. A topic previously untouched a few years ago, LGBTI were highlighted as to have a lack of adequate and appropriate service provisions available and

to be a highly discriminated population. No recommendations were given on how to combat this issue. Good practice examples from AMES were provided in relation to supporting women and girls in resettlement for delegates to consider in service provision. NGOs were seen as having a key role in identifying at risk populations, with UNHCR encouraging delegates to use the HRIT to aid in this.

Key Discussions by Panellists and UNHCR:

- It is not climate change per-se that triggers displacement, but its effects; eg. natural disaster, drought.
- There does not appear to be a direct link between climate change effects and conflict, but social cohesion is negatively affected.
- 4.4 billion people are effected by disasters and 1.3 billion people killed by natural disasters in the last 20 years.
- UNHCR has not embraced Disaster Risk Reduction (DRR).
- Those displaced do not come under the 1951 Convention. New legal instruments and normative framework needs to be developed.
- NANSEN Initiative is a positive step, aimed at a better understanding and bottom-up approach.
- People are being creative in adaptation strategies to stay on their land: this should be built upon.
- Climate Change, Vulnerability and Human Mobility Report (CCVHM) focused on Horn of Africa and highlighted that people have noticed weather change patterns.

Key Concerns and Recommendations from NGO Delegates:

- There is much confusion surrounding the legal technicalities associated, for example who would fit under what framework and what constitutes as disaster.
- Encouraging UNHCR to seek new funding from donor countries for adaptation programs.
- Concerns camps are already under-resourced and over-crowded, urged UNHCR to have a solid plan to cope with increased numbers.

- Low lying land is at a high risk from rising sea levels, highlighting the land and property complexities that will arise out of this; especially in the Pacific.
- Concerns over people's safety and security, especially when forced to migrate to areas of conflict or local conflict over diminishing resources.
- Skill development and climate change risk mitigation needed as prevention strategies.

CLIMATE CHANGE - GENDER AUDIT.

NGOs:

- Centre for Refugee Research highlighted that 70% of people living in poverty are women and they are 14 times more likely to die in natural disasters. Therefore, questioned how UNHCR plan to listen to voices of women and incorporate gender specific strategies.
- International Social Workers questioned whether there were gender differences in stories being told in the CCVHM.

Panellists and UNHCR:

- The CCVHM Report had focus groups including women and children. However, no gendered findings were presented.
- In the context of internal circular and temporary movement women stayed at home, whilst the man moved first.
- Power structures remain the same in these circumstances. However, it can be questioned: will women moving make them more empowered eg. To less male dominated areas.
- The ministerial process that informed UNHCR on women's issues stemmed from the Women's Dialogues held last year and AGDM would be incorporated.

Analysis:

- Overall the session was disappointing in its ability to address some very evident gender issues. Although women specific focus groups were carried out to inform the CCVHM Report, the key researcher was unable to present the gendered findings and no further break down was in the report. Findings such as the specific needs of vulnerable groups would immensely aid in shaping future policy. It seemed that the AGDM and Women's Dialogues were viewed as a blanket approach to ticking off the gender box. It was highlighted by UNHCR panelists themselves that women were being left in vulnerable and high risk situations with children whilst men moved and that power structures remained. This was further backed up by the CRR comments, yet this did not flag any major concerns for UNHCR.

INFORMATION MANAGEMENT SYMPOSIUM– DISCUSSIONS.

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Key Discussions from Panellists and UNHCR:

- A number of stalls were on display showcasing different technologies UNHCR used to manage information.
- A focus on integrating and aligning systems, both internally and with external partners to improve programs.
- Web, mobile verification, social media and data viz were identified as potential future and current pathways.

Key Concerns and Recommendations from NGO Delegates:

- Language was identified as an issue, as much of the software is in English.

INFORMATION MANAGEMENT SYMPOSIUM - GENDER AUDIT.

- No reference to gender was made in this session.
- UNFPA, IRC and UNHCR developed Gender-Based Violence Information Management System and UNHCR had a Health Information System tool that included HIV data associated with SGBV on display.

STRATEGIC LITIGATION, REFUGEE LEGAL REPRESENTATION & ADVOCACY– DISCUSSIONS.

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Key Discussions with Panellists and UNHCR:

- Conducts RSD in over 60 countries; South Africa has no.1 RSD system.
- Legal assistance is important as it brings forward the most urgent and vulnerable claims.
- Rights to legal representation and rights to due process must be uniform right across the world.
- Systematic change needs to occur, with legal aid extended to cover legal reform through advocacy avenues.
- No documentation is a major issue, as people are being detained and unable to gain legal assistance.
- In the context of South Africa only 20% of the refugee population can access legal aid.
- UNHCR is developing a judicial engagement strategy.

Key Concerns and Recommendations from NGO Delegations;

- Refugees need to have the same access to judicial review as people do in the criminal or administrative law areas.
- Xenophobia poses serious threats to refugees accessing services. Hate crime legislation should be passed to deal with racist attacks.
- UNCHR tends to focus on RSD context, they also need to look at the rights of refugees and xenophobic violence.
- UNHCR need to look at ways to improve practical skills of lawyers in refugee law, particularly in areas such as Asia and Africa.
- Should engage lawyers to undertake pro-bono assistance.

NGOS:

- Questioned about provision of legal services to people targeted by violence, including SGBV and LGBTI targeted violence.
- Concerns over the legal gaps for those victims of trafficking, particularly women and girls.
- The case of a Rwandan women returning after cessation that was attacked was raised, highlighting the concern for refugees on their journey home.

Panellists and UNCHR:

- No gender specific references were made.

Analysis:

Three broad issues were touched upon in this session, however no further details were given nor any responses from UNHCR.

Key Discussions from Panellists and UNHCR:

- Impacts of no documentation effect ability to marry, medical treatment, schooling, voting, social welfare, travel and burial.
- People may not legally exist on paper but they should be entitled to live without discrimination or stigma.
- 2011 Ministerial Meetings focused on statelessness have received good international response. 2011 saw 6 successions to signing of 1954 Convention relating to the status of Stateless persons and 5 to the 1961 Convention on the reduction of Statelessness.
- Close to universal accession in EU.
- Working on rolling out guidelines to help States implement international obligations.
- Clear links between statelessness and ethnic discrimination.
- Protocols on arbitrary arrest need to be formulated. Stateless much more vulnerable to arrest and detainment.
- Birth certificates must be given at least to all children. Legal invisibility passes on through generations causing long term problems.

Key Concerns and Recommendations from NGO Delegates:

- Population data remains with very large gaps.
- Naturalisation proves problematic for refugees who have been living in protracted situations outside country of origin for generations.
- Training and support for States and authorities is needed.
- All children should be given registration. Civil groups in partnership with UNHCR need to lobby governments and Standing Committee to achieve this.

NO NATIONALITY, NOT RIGHTS? STRATEGIES AND TOOL FOR PROTECTION OF STATELESS PERSONS - GENDER AUDIT.

NGOs:

- Example was given of a young girl from the Dominican Republic who was raped and murdered. The alleged was released on a small bond; this was reasoned because the child and mother were of Haitian descent.
- Statelessness must be looked at under the AGDM approach.
- Gender discrimination is a large issue in many States, as discrimination against women granting their nationality to children is denied. Observed that even in countries that have gender-neutral nationality laws they are poorly implemented.

Panellists and UNHCR:

- Open Society Justice Initiative panelist observed that 26 countries still have laws discriminating against women in conferral of nationality.
- Panelist Ivanka Kostic stated that women and children were particularly exposed to being exploited, abused and trafficked.

Analysis:

It was widely recognised in this session that allowing women to pass on their nationalities would have hugely beneficial results in tackling issues of statelessness and stopping it carrying on for generations. Both parties agreed that compulsory birth certificates and the implementation of strong gender-neutral laws were needed. Developing conclusions on birth certificates at Standing Committee was seen as a strategy to pressure countries into acting.

OPERATIONAL FOCUS: IMPLEMENTING PARTNERSHIPS– DISCUSSIONS.

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Key Discussions from Panellists and UNHCR:

- Developed a support service – Implementing Partnership Management Services, dedicated for improving implementing partnerships on equality, transparency and accountability.
- Introduction of draft document UNHCR Framework for implementing partners – limited to implementing partners only.
- Adopted a “risk-based management” approach to review of the Framework.
- To date only Stage 1 rolled out, Partner Selection. Document of Stage 1 aimed to be completed by 2012 and implemented all four stages by 2014.

Key Concerns and Recommendations from NGO Delegates:

- Concerns over budgeting, field officer capacity, partner selection process and competition.
- Also concerned over practices in emergencies, operating partnership concept and logistical issues in implementations.
- Scope of the Framework is limited to only implementing partners only, it should include operational partners too.
- Transparency in selection process by UNHCR is needed in order to avoid risks by primary selecting ‘big’ NGOs.
- Local NGOs do not have the capacity to compete.

MARGINALISATION & SOCIAL EXCLUSION OF PARTICULAR REFUGEE POPULATIONS— DISCUSSIONS.

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Key Discussions from Panellists and UNHCR:

- Populations are not homogenous, therefore this should be respected and responded to accordingly to.
- Those suffering from HIV/AIDS still experience high levels of stigma, labeling, rejection, avoidance and harassment.
- Imperative should be to train refugees living with HIV to carry out services and raise awareness in the community.
- Guide to working with people who have a disability and the Ex-Comm. Conclusions have been very beneficial.
- Translating policy into practice proves to be challenging, skills and knowledge of staff and refugees need to be enhanced.
- Consultation with the particular community about their needs is essential, not a blanket approach.
- About 70% of armed conflict in the world has some ethnic minority element.
- Human rights abuses need to be documented, through education, human rights training and report writing workshops provided for communities.
- Confidential and accurate data needs to be collected on vulnerable groups.
- 10% of refugees and asylum seekers are gay or lesbian; 50% of the world persecutes people for this – yet protection mechanisms are minimal.
- Need to affirmatively create welcoming environment for LGBTI staff and clients, eg. waiting room information, develop ties with other LGBTI organizations, individuals and allies.

- Fears experienced by LGBTI refugees are still present in first country of asylum. UNHCR has LGBTI Guidance note which will be turned into Guiding Principles.

Key Concerns and Recommendations from NGO Delegates:

- Confidentiality must be upheld and ensured at all times, particularly in countries that persecute LGBTI.
- Many factors of exclusion lead to people being able to access durable solutions. All people must be fully informed of their rights and decisions.
- Save the Children have developed minimal Child Protection response standards in emergencies.
- Recommended that services be provided in a one-stop centre, to avoid discrimination.

MARGINALISATION & SOCIAL EXCLUSION OF PARTICULAR REFUGEE POPULATIONS - GENDER AUDIT.

NGOs:

- Women's Refugee Commission (WRC) conducted workshops on topics, such as SGBV, livelihood etc. for CBOs in host countries.
- WRC held consultations with women in regards to their needs in camp context, no further findings were detailed.
- Sanitary facilities need to be taken into account when planning for vulnerable groups.
- Highlighted that 175 million LGBTI people are living under persecutory environments.

Panellists and UNHCR:

- It must be recognised that in situations of emergencies not everyone has the same voice or access to services, including women.
- A case was highlighted of a disabled women experiencing SGBV in camp context and was unable to access food.
- Case study of the Budwah ethnic minority in Uganda, highlighted that women are encountering very high incidents of rape due to wider community considering them to have magical powers and cures.
- Somali women experience ongoing violence for accessing ART services for HIV.
- LGBTI is mainstreamed through the SGBV mainstreaming guidelines released in 2011.
- Few organizations have experience or expertise in LGBTI refugees. Often a blind approach is used.

Analysis:

As this session focused on vulnerable and marginalised populations the discussion was primarily focused on gender specific issues. It was a very encouraging to see UNHCR and ICVA designate a topic on issues faced by the LGBTI community as it reflects that a growing acceptance from the broader NGO sector that LGBTI populations are in desperate need of higher protection measures. A strong emphasis was made for NGOs to start small and within in their own organisations to create LGBTI friendly environments, in hope that systematic change will occur. It was highlighted by the session that when thinking about protection strategies, no group is homogenous. Therefore, policy and program designs need to reflect this and incorporate all voices of the community.

PROTECTION OF CHILDREN: LAUNCH OF THE CHILD PROTECTION FRAMEWORK– DISCUSSIONS.

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Key Discussions from Panellists and UNHCR;

- End Child Detention Campaign is being rolled out by the International Detention Coalition.
- States should not detain asylums seekers or refugee children.
- Safe accommodation and education should be provided.
- 51 million people around the world have no documentation.
- Launch of the Child Protection Framework (CPF). CPF needs to be used to protect. Goal 4 aims to have all boys and girls obtain legal documentation.
- Aim to have ExCom Conclusions on birth registration by 2013.
- Children make up 46% of all refugees; 34% of asylum seekers.

Key Concerns and Recommendations by NGO Delegates:

- Concerns over limited and hidden data surrounding children in detention.
- Basic standards on child protection should be developed and enforced.
- Protection of children in emergencies is a major concern and needs to implement better.
- Concerns over actual implementation of strategies, monitoring and accountability of the CPF.

PROTECTION OF CHILDREN: LAUNCH OF CHILD PROTECTION FRAMEWORK - GENDER AUDIT.

NGOs:

- No documentation increases children's risk to sexual and economic exploitation – women and girls situations increase due to gender inequalities.
- Refugee Council of Australia observed that the Goal 5 (Girls and Boys with specific needs receive targeted support) in the CPF is very broad, with many groups and does not reflect all vulnerable needs.

UNHCR:

- Over half a million girls in Thailand have no legal identity documents, leaving them at risk and without protection.
- UNHCR tried to consult diverse range of groups, including women and girls in order influence the CPF. Issues that arose out of the Women's Dialogues also contributed to the CPF.
- UNHCR highlighted that AGD makes up part of the CPF and encouraged to have an AGDM lens on when looking at child protection.
- Compulsory birth registration will increase protection, for example it can alert authorities to female infanticide.

Analysis:

It was highlighted by both parties that documentation is vital to combating SGBV and that compulsory birth registration would increase protection for children, including girls who were put at greater risk due to gender inequalities. Five out the six goals in the Child Protection Framework state "Girls and Boys" and in Goal 5 it highlights that girls and

boys with specific needs should receive targeted support. This indicates that UNHCR is recognising that child protection should be gender neutral.

UNHCR highlighted that the AGDM Framework should be used at all times when enforcing child protection. However, when UNHCR was questioned about strategies they planned to implement to ensure that the specific needs of girls would be met, they were unable to provide targeted examples of how these words would be put into action.

NGO CONSULTATIONS SPECIAL RAPPATEUR REPORT BACK- DISCUSSIONS.

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All major discussions and recommendations from each session were highlighted in this presentation.

NGO FEEDBACK.

- Fahamu was concerned about invocation of cessation on certain African groups and the lack of legal aid to help refugees prepare cases.
- Sudanese Council of Voluntary Agencies expressed that in the context of child protection, the needs of unaccompanied minors separated during conflict need a special focus.

SPECIAL RAPPATEUR.

- From the Climate Change session it was reported that the integrated knowledge and skills of women in response to climate change induced displacement needs to be recognised and strategies developed accordingly.
- Africa Bureau session raised the concern that insecurity poses specific and high risks for women and girls, and this needs to be incorporated with UNHCR.
- MENA Bureau reported that opportunities for women's civil society groups to meet, share experiences and strengthen their networks and capacities should be created.
- The Marginalization and Social Exclusion session noted that increased awareness of the LGBTI community, implementation of codes of conduct that prohibit discrimination on the basis of sexual orientation and gender identity.

Key Discussions from UNHCR:

- Two primary concerns at present are the security of UNHCR and NGO staff. 5 UNHCR staff have been killed in the past 12 months, NGO staff far less protected.
- The empowerment of refugee community is a key element to help them overcome issues.
- Toughening of legislation and policy in the developed world has restricted asylum space, along with xenophobic attitudes influencing political spheres. NGOs need to monitor this and ensure myths are dispelled.
- Difficult financial situation in 2012, UNHCR trying to keep structural costs as small as possible. 41% of budget in 2006 given to staff costs, down to 27% in 2011.
- More funding allocated this year than 2011 for IDPs however, more money is needed.
- All operations in Africa are dramatically underfunded.
- UNHCR is collating and publishing a report on implementation of pledges to present to Standing Committee each year.
- Backlog of about 181,000 people waiting for resettlement, number of resettlement places need to increase.
- Positive news that the Burmese government has authorized UNHCR to open offices in all States, including Kachin. The High Commissioner will focus on Thai and Burmese governments in his visit.

Key Concerns and Recommendation from NGO Delegates:

- Refugee Council of Australia raised concerns on how pledges, considering they are not legally binding, will be enforced and monitored.

- Requests that the High Commissioner engage in meaningful and sufficient communication with refugees.
- Seriously concerned about stateless Rohingya; with UNHCR agreeing that they have never seen a group so discriminated against.
- Concerns over the 1.3 million Afghan refugees in Pakistan, whose UN identity cards expire this year and they will no longer have legal status.
- Xenophobia and violence in Israel raised, with hideous human rights abuses.

CLOSING ADDRESS – GENDER AUDIT.

NGOs:

- Concerns over unaccompanied minors and their access to education, both primary and secondary.
- Issues arising out the cessation clause in Rwanda are of concern, the story of a women and child being shot reported on.
- Asylum Aid stated that statelessness needs to receive more attention. 26 States still have discriminatory laws against women.
- AMES drew attention to the fact that in every case of repatriation there are groups of people eg. SGBV survivors, who cannot return home and remain highly vulnerable in countries of first asylum
- Refugee Council Australia commended UNHCR for pledges last year to prioritize actions to prevent and better respond to SGBV.

UNHCR:

- UNHCR is making a big effort with SGBV, in 2011 extra funds were created for this project.

- Acknowledged the gender discrimination in the Middle East and Asia, particularly in the context of mother's inability to pass on their nationality to their children.

ANALYSIS:

For the array of issues that NGOs wanted to raise with the High Commissioner, gender specific issues received a moderate coverage. SGBV received the most attention, with a case study highlighted, concerns over SGBV victims in repatriation context and UNHCR's increased focus on SGBV discussed in the session. Discriminatory laws against women and their right to pass down their nationality was brought up in the NGO Consultations on a number of occasions, thus reflective of this it was also emphasised in this address.

SIDE MEETINGS – GENDER AUDIT.

How to Reinforce Access to Justice for Victims and Survivors of SGBV: A Discussion with NGOs.

Analysis:

The session outlined UNHCR's aim to strengthen the fight against impunity, review programs to identify gaps and to increase UNHCR and NGO's collaboration to allow greater access to justice. The main concerns that arose out of the session were the mismanagement of legal cases and outcome, the difficulties in customary law to effectively deal with SGBV and refugee rights and the access to justice during repatriation contexts. The reporting of systematic and widespread rape occurring by government troops in Burma was identified as an imminent threat to those who may have to undergo repatriation. A greater focus on levels of SGBV on accompanied minors through child protection strategies was recommended, along with investigating mobile courts as a solution to the denial of access to courts for refugees residing in camps. It was strongly encouraged that the views and recommendations discussed during the session should be used to develop guidance and human rights mechanisms for field officers on facilitating access to justice for refugee survivors of SGBV

The Impacts of Protection Standards and Principles in Humanitarian Response.

Analysis:

It was discussed during the session that protection standards needed to be developed in order to address the perceived gap between standards set in protection, and what is actually being done on the field. International Committee of Red Cross and Sphere presented their developed standards, targeted at increasing professionalism, decreasing violence and abuse and ensuring people know their rights. Sphere also presented their Child Protection Principles. A question was raised about whether the Child Protection Principles had a specific focus on gender. It was noted that there is a gender focus in the principles and that people were working on gender, along with broader vulnerable groups focuses. It was highlighted that caution was taken not to include one vulnerable group whilst excluding the other groups. What the gender dynamics of the principle constituted were not explained any further. The ICRC also highlighted it did not consider it appropriate to address gender explicitly in their principles because they were very high level, aimed at a wide range of professional actors and were not operationally intended. The answers provided were weak in their response, providing limited information on protection standards from a gendered lens.

Opportunities and Challenges in Addressing Protracted Refugee Situations: Columbia, Iraq and Somalia.

Analysis:

The main discussions within the session centred around xenophobia in Columbia, the challenges in shifting towards livelihoods and self-reliance and the large numbers of Iraqi IDPs and refugees, who due to on-going conflict seem unlikely to return home soon. Several gender issues were drawn to the session's attention. There was sadly a 36% increase in SGBV amongst Somalis in Dadaab, with further limits in responses. This was also worrisome that approximately 50% of people in the camp were children and 70% were not in school. The decreased budget to Africa was also predicted to see livelihood and education strategies disappearing first. Similarly in the context of Iraq, the lack of formal protection mechanisms in place has seen an increase in survival sex and forced marriage. The scarcity of resources offered to Iraqis in host countries has also seen many women forced to return back to Iraq. Interestingly, no concerns for Columbia women and girls were raised.

Building and Supporting Legal Aid and Legal Representaion of Asylum Seekers, Refugees and Stateless Persons.

Analysis:

A push to increase legal aid and place stricter mandates on RSD procedural standards were key points to the discussion. UNHCR is re-drafting RSD Procedural Standards this year to outline clearer roles of officers and lawyers. There was no gender references presented, with the exception of a suggestion to tie legal aid into Resolution 1325 – to which advocates women's legal rights are protected.

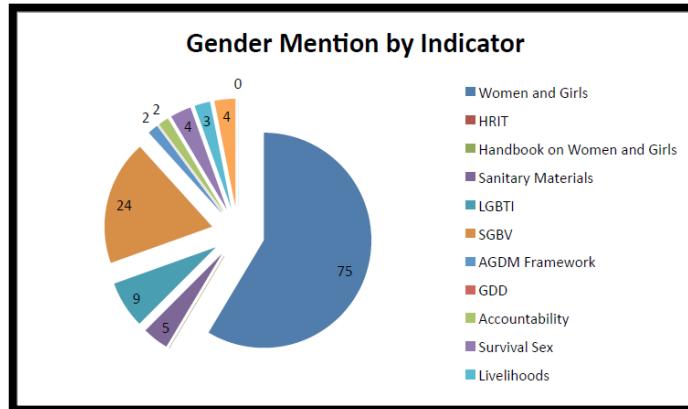
Advocating for Refugee Rights in the MENA Region and Stateless Persons.

Analysis:

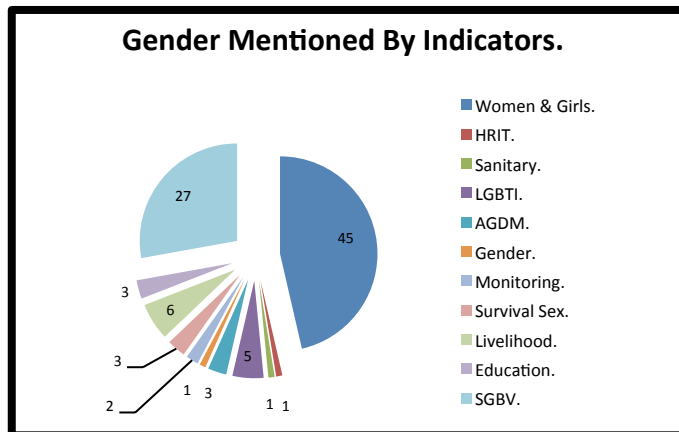
The session discussed the ongoing and pressing issues in Israel, Libya, Tunisia and Egypt in the aftermath of the Arab Springs. The Arab Springs saw a spike in the number of IDPs. Israel saw 60,000 asylum seeker applications with only a 0.017 recognition rate. Egypt and Libya were also seen to have worsening protection environments with weak policing systems and refugee programs. There was no gender references made in this session.

VISUAL DATA COMPARISON:

2011 DATA³:



2012 DATA:



³ For reasons of accuracy, the quantitative tally of gender related mentions excludes the mentions that occurred within a gender specific session. The quantitative tally also includes mentions that occurred within side meetings.