



Sixth Report on Representing IFSW at UNHCR, at the UNO-Geneva in 2011

By Tobias Roosen

Introduction

The point of view of this report is to look towards - in general as well as on particular items – the status and the quality of protection of refugees and the situation of statelessness. As it is my collection of items, it follows those of people of concern of UNHCR and of those of practical Social Work.

The wider perspective is to deliver an overview on topics and developments around the origins of migration flows - current discussed in UNHCR and in practical Social Work and to show where are protection gaps exist. First UNHCR evaluated one in Age, Gender and Diversity Mainstreaming, AGDM, the second one in SGBV. And SGBV is happening to the most vulnerable - as the majority of refugees are women.

As Climate Change is not only an ecologic issue but more one with impact for those of concern of Social Work everywhere.

The widest perspective is to show that there is no distinction between human rights and the rights of refugees, asylum seekers or stateless people. Therefore there is as well an input on wider human rights – by the side view on the UPR on Tanzania, as the Tanzanian organisation of social workers is member of IFSW.

Dear colleagues, because this report follows what I took out of the conferences and reporting here, for some in depth understanding of the situation of this people of concern of Social Work, it is necessary to have original material. Therefore you find, where ever possible, the internet-link to the source. To use it, you should be online.

I. Annual Consultations with NGOs

Geneva 28. - 30.6.2011

A. Sexual- and Gender Based Violence, SGBV

As UNHCR every 10 years at their anniversary does, they in 2010/2011 again did Regional Dialogue's with refugee women around the world.

UNHCR therefore found out, that they had nearly similar reports, as they had in the year 2000, about Sexual and Gender Based Violence, SGBV - most of them by women, but also by men.

Even as SGBV happens in every society, here it is a violation in protecting refugees – especially in protecting women and children.

Persecution because of sexual orientation is no reason to successfully apply for asylum, anywhere.

But SGBV is – less known - by Art. 7, g) of the Rome Statute of the International Criminal Court ICC, (international source: ILM 37 (1998), 1002) a crime against humanity. SGBV does lead more seldom to a criminal trial, evidences are not saved, the police looks aside – even more their victims are getting suspicious and their reports are not taken as serious as they should be.

At the commemorations session at the UNHCR annual consultations with NGOs, in June 2011 10 women where live reporting because of their personal experiences.

Some of them reported, that they had been raped by their teachers in the schools – even as schools are said to be save areas for children. More ridiculous NGOs do hire and employ their teachers!

Thereof UNHCR collected statements and experiences under the title: "Refugee Women Speak Out" The following link leads to the document:

<http://www.unhcr.org/pages/4ec5337d9.html>

Not least to avoid SGBV, it is necessary to guarantee full participation of refugees - at all decisive levels, as IFSW stipulates in its related documents.

B. Special Rapporteur on SGBV I

At the closing session of the annual consultations with NGOs, I thereof made the statement UNHCR should create the post of a Special Rapporteur/trice on SGBV. The Assistant High Commissioner Erika Feller, very much welcomed this idea. It also found an echo in the final report of the Rapporteur of the Annual Consultations with NGOs.

Link:<http://www.unhcr.org/cgi-bin/texis/vtx/home/opedocPDFViewer.html?docid=4e969ea99&query=Consultation with NGOs 2011>

States like USA, New Zealand and others wanted to much better observe SGBV and to sup-



port its victims and to find much better justification for them.

Therefore the IFSW-representative sent a letter to UNHCR, asking to create the post of a special Rapporteur/trice on SGBV to give much better attendance to this issue.

The verbal reaction was that if we cannot protect people from SGBV, we cannot protect any one. And in his closing remarks, he said: "Some progress has been made, but a lot more has to be done, including possibly some institutional adjustments in order to be more effective in relation to SGBV" the High Commissioner for Refugees, HCR Antonio Guterres said.

Link: <http://www.unhcr.org/4e96dec89.html>

As IFSW applied to UNHCR to create the post of a special Rapporteur on SGBV, we wanted them not only to pay more attention thereon but more to close gaps in and make sure that there is better protection for people of concern.

More see under Special Rapporteur on SGBV II in this report.

C. Refugees in Urban Settings

As already my last years report put some attention on the situation of refugees in urban settings this issue is to be continued here.

As this is for representatives of IFSW as well as crosscutting issue for UN Agencies because UN-Habitat was involved in this issue from the beginning furthermore as it is to practical social work. UNHCR did some further steps as they started collecting data and did some evaluation on several urban situations around the world to understand the needs of and services for urban refugees better.

The geographical distance to social services, the possibility to get there what is needed in stead of to get what is offered, the trust, their loyalties, their adjustment and accountability, the quality of the service, is also influenced.

As living in urban situations gains many good opportunities as well as their invisibility causes different consequences on their health, accommodation, jobs and livelihood as it could gain unmet needs, insecurity, as well as the quality of professional support - by professional Social Work - is influenced.

For more details see my fifth Report.

D. How to identify Best Practice?

UNHCR put some attention on collecting data around different situations of refugees to use

them for better policy, especially for those in urban settings.

There are some obstacles which have to be taken into account: to evaluate your own work puts some own interests more in front of your research and therefore research is not neutral.

As UNHCR is the UN Agency, it is more the overhead strategic organisation than the operative one, it could change its perspective from a more objective to a more subjective one (we like what we do which we by results express; and it could be like 'self fulfilling prophecy'). Evaluation itself gives only a singular description of a specific situation at a special moment, at a special location.

Collected quantitative, more qualitative data cannot directly be used politically. It needs some distance, a professional scientifically and sensitive interpretation or translation of the results.

Measures as their results therefore always have to be cleaned from too personal, individual, subjective and institutional perspectives – questions, statements and inputs. Individual statements and reports are only and almost personal – exceptions maybe – not general ones. They can be used as single examples on which research starts to better understand, or to illustrate and describe those circumstances and the conditions where they raised. The question whether they are to be generalised is always difficult to decide, the consequences they should have as well.

The following link shows some findings in: "Promoting Livelihoods and Self-reliance Operational Guidance on Refugee Protection and Solutions in Urban Areas".

Link: <http://www.unhcr.org/4eeb19f49.html>

II. The 62nd EXCOM session 3. - 7. October 2011

UNHCR then was already under the impress-



UNHCR Goodwill Ambassador Angelina Jolie at the Panel at UNHCR 62nd EXCOM



sion of both anniversaries and the Nansen Refugee Award 2011. So the audience was very much surprised as Angelina Jolie, for 10 years now UNHCR Ambassador took place at the EXCOM podium.

Not presenting herself as a celebrity, she acted very much professionally interested in the current situation of refugees (especially shown by a video, her visiting a refugee camp in Pakistan in 2010) the HCR introduced her. She knows the current topics, issues, problems and discussions, as well as their political coincidences very good and expresses them.

A. Special Rapporteur on SGBV II

IFSW and my major interest there was to find out, how UNHCR would realise the initiative to create the post of a Special Rapporteur/trice on SGBV.

UNHCR is going to take SGBV much more serious now. But UNHCR is almost very much reserved in creating posts, as the HCR pointed out.

B. More Refugee Participation

Activities to ensure more direct refugee participation in decision and policy making will under the leadership of the Assistant High Commissioner also be pursued.

III. UNHCR Commemoration Session on Ministerial Level 7. – 8. December 2011 on the anniversaries

- 60^{lest} of the Convention on the Status of Refugees and

- 50^{lest} on the Reduction of Statelessness

The UNHCR commemoration session on ministerial level took place at the Assembly Hall at 'Palais des Nations' Geneva on 7. and 8. December 2011. This has been the assembly of representatives of 145 States and 60 NGOs including IFSW.

The assembly listened to around 120 speakers from 120 countries and around 10 speakers representing international institutions, under others OSCE or EU.

Of course, to sign a convention is the first step and almost the beginning of a sometimes long process of ratifying as to transform the will of the administration into national rights and policies. At the beginning it is never known

which signatory states will follow the whole process, until it is done. But we have to trust that they will do so.

Link to more information:

<http://www.unhcr.org/pages/4d22e8a26.html>

This conference was said to be a forum, where states could and should do their volunteer pledges, that and how they will do better in protecting vulnerable people, respecting their rights and to avoid statelessness.

As special guests we saw and heard Nobel Peace Prize Winner 2011 Mrs. Sirleaf President from Ghana and Mrs Hillary Clinton, US State department and Mr. Martti Ahtisaari, Nobel Peace Prize Winner in 2009 and Mme Micheline Calmy-Rey, President of the Swiss Confederation and Chief of the Swiss State department.

Mr. Martti Ahtisaari, Nobel Peace Prize Winner in 2008, said that for internally displaced people and refugees in Europe it lasted a long time to overcome the aftermath of World War II. He pointed out, that "Refugees can be positive force in peacebuilding, provided that they have been trained to assume important skills and self-reliance while in exile. Their skills, if properly planned, can fill specific gaps in basic services in their own countries. This could mean health and social services and education. Sustainable solutions to refugee situations and conflicts are not possible without empowerment, ownership and gradually enhanced structures of democracy and good governance. Refugees can participate in peace negotiations, electoral processes and peacebuilding. More complex issues, too, can benefit from contribution by displaced people. This could include land and property, shelter, basic services, rule of law, and reconciliation. (...) Occasionally, almost inevitably, there are 'spoilers' amongst refugees, people who want to deliberately hamper efforts for peace and a return to normalcy. We also know that among refugees in exile there is potential for politicization and extremism of various kinds. (...) Almost all refugee situations are caused by humans. They can and must be solved by humans – by us, by our leaders, by the international community. We should not accept any excuses from those in power. Especially in the aftermath of the Arab Spring the responsibility of the international community to solve the refugee situation should be expanded. (...) Let us recommit ourselves to seeking lasting solutions to conflicts. Let us see refugees as



part of the solution, not part of the problem. Let us involve refugees in peace processes. Peace is always possible, as is the restoration of human dignity to those who have been robbed of it. This is a question of will. When we work together, we will find solutions.”

As **Hillary Clinton, US State department** pointed out, the USA did some 28 pledges to do better on both refugees and statelessness. And statelessness mostly is discriminating women.



Hillary Clinton, US State department at her speech at the UNHCR Commemorations Session in Geneva 7th December 2011

The EU as international body is interested in ratifying both conventions. They are interested to unify their actual 27 national asylum systems and their 27 procedures of refugee or asylum status determination by common criteria's and procedures.

This way it looks like that there is hope for refugees and other persons of concern to be at least better of. But there is as well the EU organisation Frontex, which makes it by expression more difficult to get a refugee status in the EU, as they have to avoid refugees coming inside the EU.

How many will have to die on there way across the Mediterranean Sea? In 2011 2000 people died there!

At least in 10 years time, at the next commemoration session, in 2021, we will see how much progress than has been made towards a better protection and acceptance of this people of concern.

A. Natural Disasters, Climate Change and Displacement

Since 2011 UNHCR is the leading organisation in the management of human victims by natural disasters as well as of climate change. Therefore the 'Nansen Conference on Climate Change and Displacement' draw some atten-

tion on the connections of climate change and displacement; when the sea level rises by 1 cm, this leads to the displacement of one million people! And what is the result of devastation?

Till now Climate Change is no criteria to successfully apply for asylum or being accepted as refugee! Are these criteria's more or less sub criteria's of the category of refugees who "only" flee for *economic reasons*? And why the dryness at the Horn of Africa, producing thousands of refugees per day, is more accepted? Is it because they stay in their region?

Link to more information:

[http://www.unhcr.org/cgi-bin/texis/vtx/home/opedocPDFViewer.html?docid=4ea969729&query=commemoration 2011](http://www.unhcr.org/cgi-bin/texis/vtx/home/opedocPDFViewer.html?docid=4ea969729&query=commemoration%202011)

The Nansen Principles on Climate Change and Displacement, contained in the Chair's Summary of the Nansen Conference on Climate Change and Displacement in the 21st Century, 5-7 June (2011?), Oslo, Norway, is available at: <http://www.nansenconference.no>

B. Regional Cooperation

What is producing refugees by one country, does impact its neighbour countries as their immigration and could create problems for them. And how to find practical solutions, when migration policy is the last resort of national sovereignty?

No doubt, asking UNHCR, in every case is the right way. And to organise a conference on a regional level is best.

So UNHCR held some regional conferences: in Brasilia on behalf of the Mid-Americas, in Zagreb on behalf of the Balkans - fifteen years after the war there – which is a very much protracted situation - to talk and than to solve the common problems with refugees on a multi-lateral level and in good cooperation.

Both could be good examples for other regions to do so. For more information see:

The Zagreb Declaration:

<http://www.unhcr.org/4ec12d0d9.html>

The Brasilia Declaration:

<http://www.unhcr.org/4ec12c4f9.html>

C. Selection of States Statements

It has been reported, that there where done some more steps, to better understand and define categories and criteria's to better



identify refugees (and also to better split the right from the wrong?).

Switzerland would like to underline that the development of the international protection regime did not come to a halt with the adoption of the convention and its additional protocol of 1967. The Executive Committee (EXCOM) “of the UNHCR has since adopted, albeit not without difficulty, more than 100 conclusions on the international protection of refugees. Although not binding, the Conclusions point to a number of ways to improve our response to people who need protection.”¹

The thematic Compilation of the above mentioned EXCOM Conclusions, 6th Edition June 2011 you find under the following link:
http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3d4ab3ff2&query=commemoration_2011

“**Switzerland**² has commissioned a study which findings are shortly to be published by UNHCR. We feel that a coherent approach is required at the international level to address the needs of persons moving beyond national boundaries due to a sudden disaster. This approach would also have to take into consideration displacements linked to long-term phenomena, such as climate change. Switzerland together with Norway is cooperating with other states and interested parties in trying to achieve a better understanding of such cross-border movements. The aim is to identify the best practices and develop a consensus on the best way to assist and protect those concerned. Indeed the challenges facing the international community have altered over the past 60 years, more rapidly sometimes than the international protection regime. This has opened up a gap between existing texts with their strict provisions, and the reality of present day needs. We must make it clear that we have understood the extent of the changes that have taken place in the recent decades by adapting the international protection regime in an appropriate manner.” Statement because of Switzerland held by Mme Micheline Calmy-Rey, President of the Swiss Confederation and Head of the Swiss State department.

Germany is very much interested in the results of this cooperation. There is also demand on legal definitions and procedures as they said.

They would like to therefore have a series of ongoing discussions and talks with UNHCR.

Luxembourg pledged to fully accept the principles of non-refoulement – for unaccompanied minor refugees. Not to enforce their resettlement and not to detain them therefore.

As **South Korea** mentioned the refugees from North Korea, **North Korea** intervened and declared those refugees were criminals.

D. Roundtables

There had been two so called roundtables, led by Ms. Erika Feller, Assistant High Commissioner (Protection) and Mr. Volker Türk, Director, Division of International Protection.

At **Roundtable I** meeting about the “Protection challenges and opportunities: Where will we be in ten years?”

We heard Ms Cecilia Malmström, European Commissioner for Home Affairs, and Ms. Julia Dolly Joiner, African Union Commissioner for Political Affairs and Mr. Rafendi Djamin, Indonesian Representative to ASEAN Inter-governmental Commission on Human Rights.

A selection on relevant background material:
Note on International Protection: Report of the High Commissioner, UN Doc. A/AC/96/1098 28. June 2011, available at:

<http://www.unhcr.org/4e5610e69.html>

Expert meeting on the Complementarities Between International Refugee Law, International Criminal Law and International Human Rights Law, 11-13 April (2011?) Arusha, Tanzania, Concept Note and Summary Conclusions, both available at:

<http://www.unhcr.org/4d22f95f6.html>

At **Roundtable II** meeting about the “International cooperation, solidarity and burden sharing, including in protracted refugee situations”, we also heard Mrs. Sadako Ogata, former HCR (1991 – 2000) and now President, Japan International Cooperation Agency and Mr. Jakob Kellenberger, President International Committee of the Red Cross and Dr. Bonaventure Rutinwa, Coordinator International Migration Management Programme, University of Dar Es Salaam. Relevant background material is available Online at:

<http://www.unhcr.org/refworld/docid/45b0c09b2.html>

For more information see my fifth report, presented and distributed in June 2011.

¹ Cited from the unofficial translation of the original French statement of Switzerland, held on 7th December 2011, p. 5

² Cited from the unofficial translation of the original French statement of Switzerland, held on 7th December 2011, p. 5



E. Reduction of Statelessness

As Statelessness is most invisible, it has many consequences – for those stateless as well for the society, not least for the state and the administration they live in. Even some of them are made by their country of origin or the country of destination. Link “Mapping Statelessness in the United Kingdom”:

[http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=4ecbc3c09&query=Mapping statelessness in the United Kingdom](http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=4ecbc3c09&query=Mapping%20statelessness%20in%20the%20United%20Kingdom)

For in depth information see also:

<http://www.unhcr.org/pages/49c3646c15e.html>

Note on Statelessness: Report of the High Commissioner, UN Doc. A/AC/96/1098/Add.1, 28. June 2011, available at:

<http://www.unhcr.org/4e5611109.html>

F. Nansen Refugee Award 2011

The Nansen Refugee Award recognizes extraordinary and dedicated service to refugees and is the most prestigious honour conferred by UNHCR.

The Award is named after the late Norwegian polar explorer, Fridtjof Nansen, who was the first League of Nations High Commissioner for Refugees.

In 2011 UNHCR celebrated Fridtjof Nansen's 150th birthday. Nansen worked tirelessly on behalf of refugees and in 1922 he was awarded the Nobel Peace Prize for his critical work. We continue to honour Nansen's legacy through the Nansen Refugee Award, which is our chance to publicly recognize those individuals, groups or organizations that share Nansen's extraordinary dedication and service to the refugee cause.

Though from very diverse backgrounds, laureates share a common quality: their outstanding commitment and selfless dedication to refugees.

The 2011 price was dedicated to Nasser Salim Ali Al-Hamairy who is founder/head of the Society for Humanitarian Solidarity (SHS), in Yemen. The organization is rescuing boat-people, fleeing Somalia across the Gulf of Aden and stranded at the shore of Yemen.



Angelina Jolie (in the center) going public after the ceremony of the Fridtjof Nansen Refugee Award 2011 (Fotos: TR)

Links: <http://www.unhcr.org/nansen/4e6760776.html>

<http://www.unhcr.org/nansen/4e9d711b6.html>

IV. Side view on Human Rights Instruments

The Working Group on the Universal Periodic Review of the UN-human rights council, at its twelfth session, Geneva, 3–14 October 2011, discussed for the first time the Universal Periodic Review, UPR on the United Republic of Tanzania. So I took the opportunity to visit, because the Tanzanian organisation of Social Workers is member of IFSW.

UPRs should be of general interest for IFSW, to (better) understand and support its member organisations to overcome obstacles for Social Work. As well for its human rights committee, as human rights are core for Social Work.

And Social Workers are engaged in the so called parallel, or shadow reports, where they tell what the state of play on human rights is in the countries they work, as well as what they want to, or should be changed there.

All papers because of the Tanzanian UPR are compiled and published under the following link:<http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CTZSession12.aspx>

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For IFSW it has been an honour to be present at this Commemorations session, by HCR Antonio Guterres so called “not only successful but more historical meeting” where unexpected many - 20 - states signed the two conventions. “This is a major step to reduce statelessness, as it could halve the actual amount of 12 Million stateless people world wide” he expressed.

Thanks for your kind attention and wishing you a successful 2012!

Further Links:

For more information about IFSW look at:
www.ifsw.org

...about UNHCR in general see:
www.unhcr.org

The Handbook on the ‘Protection on Women and Children at Risk’ see:

www.unhcr.org/protect/PROTECTION/47cfa9fe2.pdf

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