



From principles to action:
UNHCR's Recommendations to Spain
for its European Union Presidency
January - June 2010

1. Introduction

Spain is the first country to take up the rotating Presidency after the entry into force of the Lisbon Treaty¹. With this Treaty come new opportunities in the area of asylum and refugee protection. The Treaty commits the EU to establish a common asylum procedure and uniform status of asylum and of subsidiary protection. The Treaty also confers binding force on the EU Charter of Fundamental Rights,² including its article 18 on the “right to asylum” and article 19 on “protection in the event of removal, expulsion or extradition”. It opens new possibilities for national courts to refer preliminary questions to the European Court of Justice (ECJ). This is likely to increase the number of cases in which the ECJ can provide guidance on the interpretation of asylum provisions, thereby improving consistency in the practice of Member States. The Treaty also creates an obligation for the Union to develop its partnerships and cooperation with third countries in the area of asylum and migration.

Spain also takes up the Presidency immediately after adoption of the EU's new five-year programme in the area of Justice and Home Affairs, known as the “Stockholm Programme”,³ which sets the agenda for EU law and policy on asylum and international protection from 2010 to 2014. An Action Plan for implementation of the Stockholm Programme will be finalized under Spain's Presidency. The Presidency will also be expected to make progress toward setting up the European Asylum Support Office.

In view of these important developments and noting Spain's longstanding commitment to refugee protection as well as humanitarian and development aid, Spain has an

¹ The Treaty of Lisbon amends the Treaty on the European Union, which will retain its name, and the Treaty establishing the European Communities which will be renamed the Treaty on the Functioning of the European Union (TFEU). The Consolidated version of the Lisbon Treaty was published in OJ C 115 of 9 May 2008, available at: <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:en:HTML>

² European Union, *Charter of Fundamental Rights of the European Union*, 7 December 2000, OJ C 364/01 of 18 December 2000, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:364:0001:0022:EN:PDF>

³ Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*, December 2009.

opportunity to make a major contribution during its Presidency to the strengthening of international protection in the European Union and beyond its borders.

2. Asylum after Stockholm

A strong Action Plan is required to translate the broad political goals of the Stockholm Programme into focused and practical measures. UNHCR urges Spain to concentrate on the following five elements:

a. Possible EU accession to the 1951 Convention relating to the status of refugees

UNHCR welcomes the emphasis in the Stockholm Programme on the 1951 Convention as the foundation of EU asylum law and policy and its proposal to examine possibilities for the European Union to accede to this Convention, a move which would be in the interest of the international protection system as a whole.

b. Development of the European Asylum Support Office (EASO)

The establishment of the EASO and its first work plan will provide an opportunity to strengthen practical cooperation among Member States and with other stakeholders. For the EASO to play its envisaged role, sufficient resources must be available, and its structure and work plans must allow scope for it to take on these important challenges.

UNHCR will cooperate with the EASO with a view to contributing to the promotion of high-quality asylum procedures across the EU, which should in turn help to reduce divergences in asylum outcomes. Quality remains an ongoing challenge for the evolving Common European Asylum System. The EASO can play a leading role in identifying areas of need and potential strategies. UNHCR can contribute to these efforts based on its experience. UNHCR's ERF-funded "Asylum Systems Quality Assurance and Evaluation Mechanism" (ASQAEM) project, which will conclude in early 2010, has yielded analysis, tools and training that have been welcomed and taken up by the eight participating Member States.⁴ A new project, on "Further Developing Quality", will involve a second phase of activity for those eight countries aimed at consolidating national quality mechanisms, as well as a new initiative for four southern Member States.⁵

Many Member States have demonstrated interest in the EASO's engagement in facilitating cooperation with non EU countries in the area of asylum and refugee protection. In that respect, UNHCR recommends coordination with all other stakeholders and that an appropriate balance be maintained in the EASO's actions, to ensure the internal dimension receives the attention and priority it needs.

c. Transfer of protection

It is anomalous that Member States currently in effect recognize each others' negative asylum decisions, but there is no mutual recognition of positive decisions. UNHCR regrets that the issue of mutual recognition was not included in the Stockholm

⁴ Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia.

⁵ Cyprus, Greece, Italy and Portugal.

Programme. However, the Stockholm Programme does call for consideration of a framework for transfer of protection. This is important because, at present, people recognized as refugees or subsidiary protection beneficiaries are denied the opportunity to exercise free movement rights which other legally-staying third country nationals enjoy. Transfer of protection arrangements should also permit the enjoyment of other social rights throughout the Union. UNHCR supports the development of a framework for transfer of protection responsibilities and is willing to work with the Presidency, the Commission and the Member States on this issue.

d. Responsibility – sharing

Progress needs to be made on the sharing of responsibility for receiving asylum-seekers within the EU and for examining their claims. In some cases, physical relocation of protection beneficiaries from Member States confronted with particular pressures may be helpful, but this will not alone solve the problem. While the Stockholm Programme affirms that “the Dublin System remains a cornerstone in building the CEAS, as it clearly allocates responsibility for the examination of asylum application[s],”⁶ it also refers to the need for responsibility-sharing through voluntary and coordinated mechanisms to that effect. Greater mutual support is needed not only with respect to reception, asylum and integration systems, but also with respect to the return of persons found, after a full and fair asylum procedure, not to be in need of protection. The European Asylum Support Office should have a central role in coordinating capacity-building measures among Member States in this area.

e. Common procedure and uniform status

The Stockholm Programme foresees the establishment of a “common procedure” and “uniform status” of asylum and subsidiary protection across the EU – goals which are also set out in the Lisbon Treaty itself. A common procedure and uniform status should lead to more accurate and consistent decisions on asylum applications than is the case today. A uniform status should confer rights which facilitate integration and the participation of beneficiaries of international protection in their host societies. UNHCR believes that Member States, notwithstanding political reluctance to consider new legislation on asylum, should take the necessary steps to reach this objective.

Recommendation: In leading the preparation of the Action Plan for implementation of the Stockholm Programme, UNHCR encourages Spain to include concrete measures toward:

- a) EU accession to the 1951 Convention;
- b) Transfer of protection within the EU;
- c) A work plan for the EASO which will make a tangible contribution to high quality asylum decision making;
- d) Improved responsibility-sharing in asylum within the EU;
- e) The goal of a uniform status and a common procedure.

⁶ Op cit note 3, p 70

3. Priorities on the asylum agenda

a. Asylum legislation

Negotiations continue on the first “package” of legislative amendments, concerning Reception Conditions, Eurodac and Dublin II.⁷ With the Parliament’s resolutions on these instruments already adopted, the Presidency should aim to reach a fair and principled compromise between the Council and Parliament. Many important issues remain unresolved. UNHCR encourages the Presidency to maintain the momentum on these proposals in the relevant Council working groups. Progress is needed on issues including detention and possible temporary suspension of the Dublin II Regulation to assist States under pressure, among others.

New proposals issued by the Commission in October 2009, recasting the Qualification Directive and the Asylum Procedures Directive⁸, add to the Presidency’s agenda. UNHCR urges the Presidency to launch substantive discussions on these proposals, notwithstanding political sensitivities. If the Lisbon Treaty’s binding obligation to establish a common procedure and uniform status are to be met, gaps and weaknesses in the existing instruments must be addressed.

Some Member States have argued that the proposals cannot effectively be considered without full evaluation of the existing texts. UNHCR recalls its efforts to contribute to the assessment of practice to date under the Qualification and Procedures Directives. UNHCR’s 2007 report on application of the Qualification Directive found that key provisions have been interpreted in widely diverging ways, leading to inconsistencies and inaccuracies in asylum decision-making.⁹ Based on this research, UNHCR believes there is a need to amend key provisions, including on internal protection alternatives, non-State

⁷ UN High Commissioner for Refugees, *UNHCR comments on the European Commission's Proposal for a recast of the Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person ("Dublin II")* (COM(2008) 820, 3 December 2008) and the European Commission's Proposal for a recast of the Regulation of the European Parliament and of the Council concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [the Dublin II Regulation] (COM(2008) 825, 3 December 2008), 18 March 2009, available at: <http://www.unhcr.org/4a0d6a6710.html>

UN High Commissioner for Refugees, *UNHCR Comments on the European Commission Proposal for a Council Directive Laying Down Minimum Standards on the Reception of Applicants for Asylum in Member States* (COM (2001) 181 final), 1 July 2001, available at: <http://www.unhcr.org/4a0d6bf86.html>

⁸ European Commission, *Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (Recast)*, 21 October 2009, COM(2009) 551 final; 2009/0164 (COD), available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0551:FIN:EN:PDF>

European Commission, *Proposal for a Directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (Recast)*, COM(2009) 554 final, 21.10.2009, available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0554:FIN:EN:PDF>

⁹ UN High Commissioner for Refugees, *Asylum in the European Union. A Study of the Implementation of the Qualification Directive*, November 2007, available at: <http://www.unhcr.org/47302b6c2.html>

agents of protection, on integration prospects for subsidiary protection beneficiaries, and other topics.

On the Asylum Procedures Directive, UNHCR will issue a report in early 2010 on the application of a selection of its provisions in 12 Member States.¹⁰ Preliminary results indicate that there are a number of areas where the EC's proposals could bring improvements, e.g. in relation to the assessment of evidence; use of safe country of origin and safe third country or first country of asylum rules; accelerated procedures; and non-suspensive appeals.

b. Integration

Integration of beneficiaries of international protection has a central place in national debates in Member States. UNHCR welcomes the emphasis placed by the Stockholm Programme on integration, reiterating that it is a dynamic, two-way process of mutual interaction, for which access to employment is central to success. In leading negotiations on amendments to asylum instruments, UNHCR urges the Presidency to highlight and support provisions which can facilitate integration, including those foreseen in the proposed recast of the Qualification Directive. UNHCR would like to see further attention to the needs of beneficiaries of international protection in integration measures addressing legally residing third country nationals generally, both at EU and at national level.

UNHCR welcomes the plan to convene a 2nd EU Roma Summit in Spain in April 2010, to develop a strategy for the next two years. Many Roma apply for asylum in Member States. Their reception as well as the integration of those who are recognized as refugees should be part of a broader EU strategy for Roma inclusion.

Recommendation: UNHCR encourages the Presidency to seek to make progress on:

- a) The pending asylum instruments: Important questions raised in the Reception and Dublin II Regulation recast proposals should be resolved, including on matters of detention, children and responsibility-sharing;
- b) The new proposals on Asylum Procedures and Qualification: While some may see these as premature, UNHCR supports engagement with the Commission's proposals in an effort to fill gaps which have a negative impact on the lives of asylum-seekers, refugees and subsidiary protection beneficiaries;
- c) Integration of beneficiaries of international protection, with special attention to Roma in the context of the 2nd EU Roma Summit.

¹⁰ Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Italy, Netherlands, Slovenia, Spain, United Kingdom.

4. Unaccompanied and separated children

UNHCR welcomes Spain's intention to devote priority to the issue of unaccompanied and separated children, including the development of an Action Plan on Unaccompanied Minors. UNHCR believes this Plan should cover all unaccompanied and separated children from third countries, including those who apply for asylum and those who do not.

International law establishes that the best interests of the child must be a primary consideration in all actions concerning them.¹¹ The Action Plan should ensure that this is the case. The wording of the Stockholm Programme describes this plan as one which “underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return.”¹² This reflects a comprehensive approach, taking into account the situation of children before they travel to Europe, as well as their reception in the European Union, and the need for long-term solutions for them.

UNHCR urges the Spanish Presidency to promote wide consultations on the proposed Action Plan. Children's rights organizations, reception workers, guardians, and local authorities as well as UN and other intergovernmental agencies all have longstanding practical experience and relevant insights. Their views on best practices should be heard. The perspectives of unaccompanied and separated children themselves should also be sought and taken into account.

The Action Plan should include measures to support research and data collection with regard to the profile, background, status and long-term solutions for unaccompanied and separated children. At present, only limited information is collected,¹³ which hampers analysis and policy development. The Action Plan should also address the need for safeguards in age determination procedures.

With respect to children who seek international protection in the EU, there are important safeguards in the asylum *acquis*, and further improvements have been proposed in the recast Reception Conditions Directive¹⁴ and Asylum Procedures Directive.¹⁵ Concerns remain with regard to the quality and child-sensitive nature of asylum procedures for children seeking asylum alone. Practical cooperation, the development of guidelines and projects addressing the quality of asylum decision-making would all be useful to address divergences between Member States. Although protection rates for children are higher

¹¹ Convention on the Rights of the Child, article 3(1): “In all actions concerning children, (...), the best interests of the child shall be a primary consideration.”

¹² Op. cit. note 3, p 68

¹³ Amongst others by Eurostat, in the context of unaccompanied and separated children who seek asylum. However, only limited statistical data with regard to this group is made publicly available.

¹⁴ European Commission, *Proposal for a directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum-seekers (Recast)*, COM(2008) 815 final, 2008/0244(COD), {SEC(2008)2944}, {SEC(2008)2945}, 3 December 2008, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0815:FIN:EN:PDF>

¹⁵ Op. cit. note 7

than for adults of the same countries of origin, many children receive subsidiary protection or another form of complementary protection, sometimes only until they reach the age of 18, rather than a more secure status. These trends merit further study.

With respect to the return of children not in need of protection, the Returns Directive requires Member States to provide assistance and support¹⁶ before implementing return decisions. The Action Plan should include scope for exchange of best practices in the area of return of children who have been found not to need international protection. It could look into practical cooperation in the area of family tracing, a crucial element to determine a solution in the child's best interests; and on the assessment of reception and child protection mechanisms in third countries to which return of children is considered. These elements are important to ensure the safety of the child on return, and the sustainability of such returns.

Recommendation: UNHCR urges the Spanish Presidency to ensure that the Action Plan on Unaccompanied Minors:

- a) Allows for both legislative and practical actions;
- b) Considers the situation of all unaccompanied and separated children, including those who apply for asylum as well as those who do not;
- c) Addresses all aspects of the situation of unaccompanied and separated children, from initial reception and care within the EU, to access to child protection mechanisms and child-sensitive asylum procedures when needed, to the implementation of a long-term, sustainable solution in the child's best interests.

5. Co-operation with third countries on refugee protection

UNHCR welcomes the EU's engagement with third countries to promote refugee protection, as well as EU support for UNHCR's mandate activities. It is evident that EU actions in third countries must not undermine protection for asylum-seekers in or at the borders of the EU. UNHCR urges the Spanish Presidency to incorporate the following consideration into discussions:

a. New Approaches

The Stockholm Programme foresees "new approaches concerning access to asylum procedures targeting main transit countries, such as protection programmes for particular groups or certain procedures for examination of applications for asylum, in which Member States could participate on a voluntary basis."¹⁷ UNHCR is ready to discuss these concepts, but urges caution about arrangements involving States where conditions are not adequate to ensure respect for asylum-seekers' basic needs and legal rights, and where durable solutions are not available.

¹⁶ European Union, *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*, article 10(1), available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

¹⁷ Op. cit. note 3, p 73

b. Regional Protection Programmes

Looking forward to the publication of the European Commission's evaluation of the pilot Regional Protection Programmes (RPPs), UNHCR underlines the need for any new proposals to ensure full collaboration with the third countries concerned, as well as sufficient funding. Complementarity with and added value to ongoing EU humanitarian and development assistance is essential. Political expectations for RPPs should be realistic, and take into account the fact that protracted refugee situations cannot be solved with limited, short-term measures. In addition, capacity-building measures usually form part of longer-term processes aimed at establishing fair and efficient asylum systems.

c. Refugee resettlement

Refugee resettlement remains a vital protection tool and an instrument of solidarity with countries outside the EU which receive large numbers of refugees. The Stockholm Programme encourages greater engagement of EU Member States in refugee resettlement. UNHCR shares this goal. The European Commission's 2009 proposal for a Joint Resettlement Programme, together with new European Refugee Fund (ERF) arrangements, bring new resources and political impetus to discussions of refugee resettlement.¹⁸ UNHCR hopes that priority-setting processes taking place in different forums will be effectively coordinated, to ensure best use of resources and solutions for the refugees most in need.¹⁹

d. Union for the Mediterranean

As Spain will have the leadership in organizing the Second Summit of the Union for the Mediterranean and the adoption of an Action Plan for 2010-2012, UNHCR would urge the Presidency to pay particular attention to the issue of trans-Mediterranean mixed migration. Similarly, the EU-Morocco Summit to be organized in the first semester of 2010 could include a focus on migration and asylum emphasizing the importance of respect for international refugee and human rights law.

6. Migration and Border Management

Spain has affirmed that reinforcing Frontex and ensuring that EU migration policy is accompanied by close cooperation with migrants' countries of origin and transit will be priorities of its Presidency. A review of the Frontex mandate will take place in 2010. In anticipated proposals on common operational procedures and rules of engagement,

¹⁸ European Commission, *Communication from the Commission to the European Parliament and the Council on the Establishment of a Joint EU Resettlement Programme*, 2 September 2009, COM(2009) 447 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>
European Commission, *Proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC*, 2 September 2009, COM(2009) 456, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0456:FIN:EN:PDF>

¹⁹ UN High Commissioner for Refugees, *Comments on the European Commission Communication on the establishment of a Joint EU Resettlement Programme and the European Commission Proposal for the amendment of Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013*, November 2009, available at: <http://www.unhcr.org/refworld/docid/4b0a75e92.html>

UNHCR urges the inclusion of safeguards to ensure that persons seeking international protection are identified in the course of Frontex operations, and have access to territory and procedures where their claims can be examined. This will require clear guidance regarding disembarkation of people intercepted at sea, to ensure they are brought to a place which is not only physically safe, but where their basic rights will be respected.

The Frontex mandate review offers an opportunity for Member States to confer upon Frontex a specific mandate to ensure compliance with the Schengen Border Code²⁰ by Member States. This could, among other things, involve monitoring and follow-up in relation to observance of provisions affirming obligations under international refugee and human rights law.

UNHCR will continue to collaborate with Frontex under the agreed Working Arrangement, including in the areas of training and risk analysis. It is hoped, however, that after the review of Frontex's mandate, cooperation can move to the next level. Further collaboration could involve advice from UNHCR concerning asylum-related aspects of joint operations' planning or execution, and two-way exchange of information concerning risk analysis. UNHCR considers this would be in the interests of Member States and other stakeholders in EU border management.

Acknowledging the importance of migration management as a policy priority, UNHCR continues to emphasize the need to pursue it with due regard to protection and human rights imperatives. UNHCR's recent work analyzing and collecting good practices in border and migration control in the context of the "Ten-Point Plan in Action", gives States material to consider in further developing their institutional frameworks and tools.²¹ This document covers areas as diverse as capacity-building, identifying asylum-seekers, claims processing and return of persons not in need of international protection.

Efforts to limit irregular arrivals cannot transgress international refugee and human rights law obligations. Where such moves result in the return of people to a situation where international protection is unavailable, where conditions of reception and/or detention are unacceptable, serious questions persist about the lawfulness and legitimacy of such actions. UNHCR recalls that States are responsible for ensuring respect for the principle of *non-refoulement*, including where they exercise jurisdiction outside their territory.

UNHCR welcomes the commitments expressed in the Stockholm Programme to address challenges in relation to trafficking in human beings, including particularly the protection of victims. UNHCR is ready to contribute to debate on how most effectively the Union can legislate to ensure, among other things, that trafficking victims who may need international protection are identified and receive access to procedures, protection and

²⁰ European Union, *Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)*, 15 March 2006, No. 562/2006, articles 6 and 13, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF>

²¹ UN High Commissioner for Refugees, *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*, June 2009, Provisional release, available at: <http://www.unhcr.org/refworld/docid/4aca0af82.html>

support, irrespective of whether they are willing or able to cooperate in the prosecution of their alleged traffickers.²²

Return will be a high priority issue under the Spanish Presidency. UNHCR recognizes that effective return of people found not to need protection is necessary to uphold the integrity of the asylum concept.²³ However, this demands rigorous and high-quality asylum processes which accurately identify protection needs. Return should be effected only to States where returnees have meaningful links, and in a manner which respects their safety and dignity. UNHCR welcomes the EU's interest in promoting voluntary return, while noting that this term is often used to denote compliance with an order to leave as well as the free choice to repatriate. UNHCR urges Spain to promote consideration of ways of monitoring the safety of returns, and of extending assistance to returnees, their families and host communities, to ensure the sustainability of returns.

Recommendation: UNHCR encourages the Spanish Presidency to pursue its migration agenda with due regard for international refugee and human rights norms. This includes:

- a) Inclusion of refugee protection safeguards in migration control measures generally;
- b) Development of clear guidance with respect to the disembarkation of persons intercepted at sea;
- c) Attention to the potential protection needs of victims of trafficking;
- d) With respect to the return of people found not to need international protection, measures to ensure that such return is safe, dignified and sustainable.

7. Humanitarian and development action

UNHCR welcomes the high priority attached by the Spanish Presidency to support for multilateral cooperation through three pillars, namely peace and security, human rights and fundamental freedoms, as well as sustainable development, including achievement of the Millennium Development Goals. UNHCR urges attention to the fact that solutions for refugees and internally displaced persons in the developing world – whether return to their countries or areas of origin or integration in places of refuge – are inextricably linked to broader development issues, yet refugees and internally displaced people are often not included in national and international development plans.

Four areas in particular could benefit from attention under the Spanish Presidency. First, the growing urbanization of forced displacement. Refugees and internally displaced populations are increasingly found in urban areas in Africa, Asia and Latin America, in contrast with the stereotype of refugees living in rural camps. The challenges of delivering protection and humanitarian assistance to refugees and internally displaced

²² UN High Commissioner for Refugees, *Human Trafficking And Refugee Protection: UNHCR's Perspective: Conference Paper: Ministerial Conference on "Towards Global EU Action Against Trafficking in Human Beings"*, Brussels, 19-20 October 2009, available at: <http://www.unhcr.org/4ae1a1099.html>

²³ UN High Commissioner for Refugees, *Conclusion on the return of persons found not to be in need of international protection*, 10 October 2003, No. 96 (LIV) - 2003, available at: <http://www.unhcr.org/refworld/docid/3f93b1ca4.html>

people in urban areas was the subject of the High Commissioner's 2009 Protection Dialogue and will be a focus of UNHCR attention in 2010 and beyond. UNHCR would welcome EU attention to this challenge.

Secondly, the broad range of issues related to persons displaced by natural disasters and climate change. It is well recognized that climate change is already acting as a multiplier and accelerator of factors causing displacement. In the follow-up to the Copenhagen Summit on Climate Change, the Presidency could usefully promote an open discussion of the EU's future role in responding to this form of displacement, including by inviting UNHCR to contribute to the debate.

Thirdly, the Presidency's support for an Action Plan on Gender in EU External Action is of vital importance to UNHCR, as women and girls constitute a majority of the world's refugees and IDPs. UNHCR would welcome Presidency action to draw attention to the fact that sexual and gender-based violence affects refugees and internally displaced people in many parts of the world, and to promote EU support for actions to eradicate this scourge.

Finally, in view of the fact that the Spanish Presidency will pay special attention to the relationship between the EU and Latin America (including in the context of the 6th EU-Latin American-Caribbean Summit and the Summit with Mexico), UNHCR urges the Presidency to draw attention to the situation of displaced people in Latin America, and in particular to the scope of displacement in and from Colombia.

Recommendation: UNHCR urges the Presidency to:

- a) Bring issues related to forced displacement and the urbanization of forced displacement to the discussion table in Council Working Groups on Development, Humanitarian Affairs, and Climate Change;
- b) Use its leadership to highlight the linkages between development actions and durable solutions to problems of forced displacement, and in particular internal displacement;
- c) Work with UNHCR and other actors to highlight the need to protect refugees and internally displaced people from sexual and gender-based violence;
- d) Put a spotlight on issues of ongoing internal displacement in Latin America.

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