



Operational Protection in Camps and Settlements

A reference guide of good practices in the protection of refugees and other persons of concern



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Solutions and Operations Support Section
Division of International Protection Services
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A Reference Guide of
Good Practices in the Protection of
Refugees and Other Persons of Concern

Sudan / Internally displaced people / aerial view of Seliah camp, 150 km north of El Geneina. The camp has 10,000 IDPs, most of whom fled their villages between May and August 2003, after attacks from the Janjaweed; others recently came back from refugee camps in Eastern Chad. September 27, 2004. UNHCR / H. Caux



The Operational Protection Reference Guide is published in loose-leaf binder format to allow the periodic update and addition of good practices and new guidance. These supplements will be distributed regularly, with new Table of Contents and instructions on addition to the Reference Guide.

Limited additional information and documents may be available for some of the good practices herein. NGOs and UNHCR field offices looking to replicate such practices, in ways appropriate to their local context, are encouraged to contact the UNHCR field office or NGO listed in the good practice for further information, including updates and lessons learned that have emerged since publication.

UNHCR is always eager to receive additional examples of good practices from NGOs, refugee communities and UNHCR field offices, for possible inclusion in future supplements to the Guide. Proposals of new examples of good practices, preferably in the standardised format presented herein, should be sent to:

UNHCR Division of International Protection Services (DIPS)
Solutions and Operations Support Section (SOSS)
Geneva, Switzerland

At email address:
HQPR08@unhcr.org

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Humanitarian workers day after day struggle to protect refugees, asylum-seekers, internally displaced persons and returnees under the most extreme of circumstances. Poor security in refugee camps, sexual and gender-based violence and the recruitment of child soldiers are some of the many problems that confront humanitarian work in an ever more difficult environment. What is needed, more than ever before, are operational tools, strengthened partnerships and innovative community-based responses. This Operational Protection Reference Guide provides a 'How To' of protection, implemented with the active and meaningful participation of the refugee communities.

This Reference Guide is an effort to address the difficulties of translating policy into practice and the obstacles to operationalize existing guidelines. It brings together a range of guidelines and policies into easily accessible segments, documents implementation challenges and then provides real-life examples of good practices where UNHCR and NGO field operations – most successfully when in partnership – have managed these challenges through creative and effective programmes. This Reference Guide is also designed to be used in conjunction with two other publications developed in a process of close co-operation amongst UNHCR and NGOs, the *Camp Management Toolkit* and the *Protecting Refugees: A Field Guide for NGOs*.

UNHCR is both mandated and tasked with a responsibility to protect, regardless of the changing environment and evolving complexities. UNHCR cannot meet this challenge without the benefit of partnerships with NGOs, donors, officials of the country of asylum and, most significant of all, the refugees themselves.

This Guide represents another step in the process of enhancing the protection of refugees and other persons of concern. Although primarily a compendium of practices undertaken to protect refugees, many of the experiences and ideas will be beneficial in protecting the larger community of persons of concern, notably asylum-seekers, internally displaced persons and returnees.

Similarly, although the Reference Guide focuses on past practice in the context of refugee camps and settlements, many of the concepts herein can prove beneficial to persons of concern in urban centres or dispersed in local host communities.

This Guide cannot provide all the answers. As time passes, some of the practices included here may prove to be most constructive in the lessons they illustrate of challenges unmet and dilemmas unresolved. The Guide should, though, help put policy into practice in a more consistent, coherent and effective way.

UNHCR's Division of International Protection Services in partnership with the Division of Operational Support and with the engagement of Emergency and Security Service are pleased to be a part of this UNHCR/NGO collaborative effort made possible through the support of the Ford Foundation.

Erika Feller
Director,
Division of International Protection Services
15 December 2005

Arnauld Akodjenou
Director,
Division of Operational Support
15 December 2005

Good Practices: The essential principles of design and implementation

Sudan / IDPs from Darfur region / UNHCR Protection Officer (left) and another UNHCR staff member listen to the concerns of displaced men about the shelter area they have been allocated / UNHCR / K. McKinsey / April 2005



Good Practice:

A 'good practice' is an intervention that addresses, in accordance with prevailing policy or guidelines, a specific protection issue, problem or challenge, resulting in better protection for persons of concern. Ideally, a good practice incorporates the four essential principles of protection (and programme) design and implementation:

- Age, gender and diversity mainstreaming;
- Community-based approach, including refugee participation;
- Protection partnerships, including a multi-functional team approach; and
- A rights-based approach;

to improve protection for a variety of persons of concern and address numerous specific protection concerns simultaneously. The 'best' good practices thus cross-reference and cross-support other protection good practices in a comprehensive fashion.

More than forty 'good practices' are included in this Guide, drawn from some twenty-three different country operations. The good practices included are not exhaustive and certainly not perfect. They may address a part of the problem but not be comprehensive in scope. They likely present the best achievable solution to an issue in a difficult working environment.

It is also important to realise that a good practice included in this Guide may, by the time of publication, have encountered unforeseen implementation difficulties or dramatic changes in the physical environment due to armed conflict or political stability. A 'good practice' may, in the long run, later prove to exacerbate or create other protection problems. Where apparent, certain potential weaknesses or trouble spots have been noted under the 'For Further Consideration' heading in the good practice sheets. The loose-leaf format of this Guide will allow for future update, modification or later removal of individual good practices depending on the lessons learned during sustained implementation.

Each good practice included in this Guide today nevertheless provides valuable ideas to improve the delivery and attainment of protection, and provide concepts that initially have proven successful in real-life settings. These experiences – positive and negative – can help protection actors in other countries to better design their own protection interventions.

'Refugees' and 'Persons of Concern'

The text of this Guide alternatively refers to 'refugees' and 'persons of concern'. At times, the references appear to alternate without distinction. In fact, they do not.

Most of the good practices included in this Guide were designed and implemented for the improved protection of refugees, historically the core mandate of UNHCR and the focus of many NGOs in their field operations. The good practices illustrated in this Guide, as well as many of the guidelines and reference works quoted, thus specifically speak of 'refugees'.

In past decades, however, UNHCR and NGOs have enlarged the scope of their work with other individuals and groups, including asylum-seekers, returning refugees and stateless persons. Most notable in the past few years is increasing international engagement with internally displaced persons. At the time of printing of this Guide, there is a recent dramatic evolution in the inter-agency approach towards the protection and assistance of internally displaced persons. Many of the users of this Guide will in the next few years be confronted with new challenges in implementing new operational and legal competencies.

Collectively, refugees, asylum-seekers, returnees, stateless persons and, in certain situations, internally displaced persons, may all be referred to as 'persons of concern' to UNHCR. *Many of the good practices intended to protect refugees can provide constructive lessons and examples in designing protection interventions on behalf of persons of concern who may not be refugees.*

Wherever possible, in discussing the broadest terms and principles therefore, the Guide adopts the term 'persons of concern' to encompass all individuals and groups on whose behalf current and future protection activities may potentially be undertaken. This is particularly appropriate in the presentation of the four essential principles of practice design and implementation. However, in more specific contexts, for example, access to legal systems of the 'country of asylum', this enlarged vocabulary would be awkward or legally imprecise when defining the rights of internally displaced persons who by definition have remained inside their country of origin. In such cases, the more constrained term 'refugees' is maintained.

Checklist

What makes a practice 'good'?

The practice should be designed and implemented through the incorporation of the following essential principles:

Age, Gender and Diversity Mainstreaming:

- ✓ Amongst the persons of concern, have the various age groups and both sexes been involved in assessing the protection risks and therefore the need for the activity as well as its design, implementation, monitoring, and evaluation?
- ✓ Have the potential implications – positive and negative – of the practice on all members of the community been assessed?
- ✓ Do all targeted persons (whether women, men, girls and/or boys) have equal opportunity and access to the practice?
- ✓ Does the practice encourage the active, free and meaningful participation of women, men, girls and boys amongst the persons of concern?

Community-Based Approach, including Participation by Persons of Concern:

- ✓ Has the practice been based on a prior assessment including structured dialogue with persons of concern?
- ✓ Does the practice empower those targeted and create full partnership and ownership?

Protection Partnerships and Using a Multi-Functional Team Approach:

- ✓ Is the practice based on collaborative partnerships with persons of concern, host government, sister UN agencies and/or NGOs?
- ✓ Are the planning, implementation and monitoring processes utilizing a multi-functional team approach? Are Protection, Programme and Community Services working collaboratively on the practice?

Rights-Based Approach, including Accountability:

- ✓ Is the practice directly linked to the observance of a human right, as contained in the 1951 Refugee Convention or other international human rights instrument?
- ✓ Does the practice particularly promote the observance of the rights of women and children amongst persons of concern?
- ✓ Does the practice promote gender equality or address issues of gender inequality?
- ✓ Have mechanisms for accountability been incorporated into the practice design and implementation?

As well as significant additional concerns:

- ✓ Is monitoring of the practice taking place with the systematic collection of data, analysis of the data collected, reporting on data gathered and modification to the practice based on the analysis?
- ✓ Is the practice based upon and measured by agreed-to standards and indicators?

Each of these essential principles is briefly detailed in the pages that follow.

Age, gender, and diversity¹ mainstreaming is a strategy in UNHCR to promote gender equality and respect for human rights, particularly women's and children's rights, and to enhance the protection of all persons of concern, regardless of their ethnic, social, or religious background. This strategy entails assessing the implications of protection risks and strategies and programme sector activities for women and men of different ages and backgrounds. Generally, women and minority groups have less social, economic, and political power than men and are less well-represented in formal leadership structures. Consequently, their protection concerns may be overlooked in assessment and planning processes or they might be inadvertently discriminated against during assistance delivery or activity implementation.

Mainstreaming age, gender and diversity is the meaningful participation of girls, boys, women and men of all ages and backgrounds in the design, implementation, monitoring and evaluation of all UNHCR policies and operations so that these impact equitably amongst persons of concern. The overall goals are gender equality and the enjoyment of the rights of all persons of concern of all ages and backgrounds. Their attainment is the responsibility of all staff.

The *UNHCR Policy on Refugee Women* begins with recognising that becoming a refugee often affects men and women differently and that effective programming must recognize these differences. Furthermore, to understand fully the protection needs and the assistance resources of the refugee population, and to encourage the dignity and self-sufficiency of the refugee community, refugee women themselves must participate in planning and implementing projects.² Gender mainstreaming, however, is not only about women. It is about *equal* participation and the recognition of diverse skills and perspectives resulting from societal assigned and ever-changing gender roles. Gender mainstreaming also includes assessing the implications of legislation, policies, rules, norms and customary laws on men and women of different age groups – any of which may need to be amended to promote gender equality.³

The 'mainstreaming of age' is not solely sensitivity to the special concerns of children amongst persons of concern. The mainstreaming of age is a more comprehensive sense of how the refugee experience varies for those of different ages from birth to old age, whether a child, adolescent, adult or an older refugee or other person of concern. Because of their age, children, adolescents, and older people may be marginalized. Corrective action is therefore required to ensure the specific risks they face are taken into consideration. Proper participatory assessment involves women, children, and older people, as well as people of diverse backgrounds, in order to focus on ways in which age and gender combine with other social, economic, and political factors to marginalize and disadvantage certain sections of the population.⁴ The mainstreaming of age, in addition to gender, necessitates the disaggregation of data on the refugee population in order to know which age groups are represented as well as the sex composition and which

¹ Diversity has been included here to ensure that mainstreaming is understood as inclusive of all backgrounds: ethnic, clan, caste, religious, socio-economic, educational, nationality, disability, etc.

² UNHCR, *UNHCR Policy on Refugee Women*, Geneva: 1990.

³ See Articles 2 and 3 of the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) in which State party signatories agree to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation. See also, *Beijing Declaration and Platform for Action* noting item 149, sections a) – o) which specifically address refugee and displaced women.

⁴ 'The UNHCR Tool for Participatory Assessment in Operations', July 2005 (draft).

proportion of the population falls within each grouping. UNHCR's Progress database is an important protection tool that supports this approach.

The need to devote specific attention and resources to upholding the rights of women and children to ensure their protection has been reflected in UNHCR policies since the early 1990s. These were complemented by a policy on older persons and a Community Development Policy in 2000 and 2001 respectively. The community development policy calls for UNHCR operations to apply a community-based approach and reiterates the right of refugees and others of concern to participate in the design of programmes and the use of resources for their benefit. In the Agenda for Protection, UNHCR reaffirmed its commitment to strengthening capacity to provide international protection to women, boys, girls, and men of concern and empower them to protect and develop solutions for themselves. These policies, together with relevant international legal instruments and Executive Committee Conclusions provide a framework for operations.

To promote the rights of the different groups, UNHCR promotes a two-pronged approach to operations: age, gender and diversity mainstreaming and the empowerment of discriminated groups through targeted action. Please refer to the Annexes for further information.

Challenges:

Challenges in mainstreaming gender and age in practice include:

- **resistance from the male quarters of the population** – fearing that they might lose their power and influence;
- **traditional societies and cultural values** that may preclude women's participation and leadership; and,
- **reluctance on the part of UNHCR and NGO staff** to challenge traditional practices in fear of interfering with refugees' indigenous cultures and imposing 'western' values.

In fact, pioneering voices in the women's movement came from the South, and the concept of gender equality is not uniquely Western. Additionally, societies are always in transition: shifts in traditional practices and changing expectations introduce new challenges and new opportunities. Regardless of cultural norms and practices, all voices and perspectives need to be heard and all should have the opportunity to participate fully in the realization of their rights.

See also:

Annex D, 'Promoting Age, Gender and Diversity Mainstreaming in UNHCR Operations 2005-2007'

Annex E, Refugee Women

Annex F, Refugee Children

Annex G, Older Refugees

Community-based approach⁵: a community-based approach motivates women, girls, boys, and men in the community of persons of concern to participate in a process that allows them to express their needs and to decide their own future with empowerment, ownership, and sustainability. It requires recognition that they are active participants in decision-making. It also seeks to understand the community's concerns and priorities, mobilizing community members and engaging them in protection and programming. The focus is on helping refugees and other persons of concern organize themselves to solve their own problems. The role of UNHCR is to build, rebuild, or strengthen the community's capacities to respond to protection risks and to make decisions over access to and use of resources. Participatory assessment is carried out in the spirit of shared responsibility for enhancing protection of *all* members of the community and is an essential component of community-based work.⁶

Challenges:

- Traditional refugee leadership structures may have changed or disintegrated during flight and relocation.
- Informal, non-elected refugee leaders may exert more influence than elected leaders. The voices of both formal and informal leaders need to be heard.
- Without clear criteria for refugee leadership positions, transparent election processes and training and capacity-building for those elected, successful performance is unlikely.
- The first step is to ensure a comprehensive understanding of the different power relations within a community including the gender power relations and the traditional mechanisms for resolving protection problems and providing psycho-social support.

See also:

Annex H, Refugee Participation and the Ethics of a Participatory Approach

Protection Partnerships: UNHCR, NGOs, local authorities and refugee communities all have a vital role to play in protection. It is essential that those roles are complementary and collaborative to fill protection gaps that may exist – be they legal, physical or social.⁷ To ensure that protection gaps are addressed and that the work of all actors is complementary, open communication, joint planning and co-ordination is vital. Refugees, local communities, host governments, NGOs and UNHCR staff must all be involved in mapping, strategising and addressing protection concerns according to their mandates and capacities. With its refugee protection mandate, UNHCR should lead and coordinate efforts to protect refugees. Regarding other potential persons of concern, most notably internally displaced persons, UNHCR's role and authority will be shaped by specific circumstances including inter-agency understandings and host government policies.

A multi-functional team approach refers to collaboration *between agencies* – UNHCR and its implementing and operational partners and sister UN agencies, for example, and *within agencies* – the programme, protection, and community services sectors in the example of UNHCR. The

⁵ Community-based interventions lead to community development. See also 'Reinforcing a Community Development Approach', EC/51/SC/CRP.6 UNHCR Policy Document, Standing Committee, 20th Meeting, 15 February 2001.

⁶ 'The UNHCR Tool for Participatory Assessment in Operations', July 2005 (draft).

⁷ Note Goal 3, in the *Agenda for Protection*, Objective 3, 'Strengthened partnerships for protection with civil society, including NGOs' and Objective 4, 'Refugee communities empowered to meet their own protection needs'.

importance of a coordinated, multi-functional team approach to all protection and assistance activities cannot be over-stated. The most innovative and successful practices in this Guide involve two or more agencies. Such practices draw on the unique strengths, expertise, contributions, and resources that each party brings thereby providing opportunities for synergy and for maximum impact.

‘For information-sharing, coordination, and cooperation on sensitive protection matters to take place effectively, UNHCR and NGOs must concentrate on developing confidence and mutual trust. Such a climate can only emerge if UNHCR and NGO staff meet on an equal footing, discuss their differences, and explore their commonalities in the protection of refugees’⁸ while affirming UNHCR’s uniquely mandated, lead role.

Rights-based approach: In a rights-based approach, human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-state actors with correlative obligations (duty-bearers). It identifies rights-holders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations.⁹ States have the primary responsibility in the promotion and protection of human rights of any individual on their territory or in their jurisdiction and therefore are required to ensure the fulfilment of human rights by acting in a way that enables rights-holders to enjoy the rights to which they are entitled.¹⁰

A rights-based approach starts from the *rights to be met*, not from *needs identified*. A rights-based approach adds legal obligation and accountability. It is based on international standards and thus consists of obligations based on legal entitlements. By contrast, a needs-based approach does not necessarily demand accountability, unless otherwise derived as in the case of UNHCR because of its protection mandate. In a needs-based approach, assistance is perceived as voluntary or charitable, aimed at addressing symptoms.

All practices should contribute to the realization of human rights. Applying a rights-based approach entails:

- i. understanding the structural causes of the non-realization of rights and analysing who bears the obligation to uphold the specific rights;
- ii. assessing the capacity of rights-holders to claim their rights, and of duty-bearers to uphold their obligations, and then develop strategies to build these capacities;
- iii. monitoring and evaluating programmes according to human rights standards and principles; and
- iv. informing programming on the basis of recommendations of international human rights bodies and mechanisms.¹¹

UN Secretary General Kofi Annan has called on all agencies of the United Nations to mainstream human rights into their activities and programmes within the framework of their

⁸ Schenkenberg van Mierop, E., ‘UNHCR and NGOs: Competitors or Companions in Refugee Protection?’ Migration Information Source, 1 February 2004.

⁹ UNICEF, *The State of the World’s Children*, New York: 2004, Annex B.

¹⁰ Goonesekere, S., *A Rights-Based Approach to Realizing Gender Equality*, para.6 www.un.org/women-watch/daw/news/rights.htm.

¹¹ The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform, Stamford, USA, 5–7 May 2003.

respective mandates. UNHCR, as the UN agency tasked to protect refugees and, in some cases, returnees or internally displaced persons, has a global mandate to ensure that the human rights of its beneficiaries are upheld in accordance with the international obligations of states hosting them.¹² Human rights are not limited 'to citizens of States Parties but must also be available to all individuals, regardless of their nationality or statelessness, such as asylum-seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party.'¹³

Challenges:

In practice, the fulfilment of all rights of all persons of concern can be challenging, even impossible. **Government policy and practice** may directly restrict the enjoyment by refugees or other persons of concern of their rights, for example, curtailing freedom of movement or prohibiting them from attending school. **Resource constraints** may restrict the availability of services and such constraints may necessitate difficult choices such as prioritizing health care over education. Rights may even appear to conflict - for example, the right to participate vis-à-vis the protection of minorities who may not be represented.

Based on UNHCR's commitment to pursue a rights-based approach, UNCHR staff are responsible for and accountable to effectively keep an updated comprehensive oversight on the protection situation and enjoyment of human rights by all categories of persons of concern to UNHCR. Furthermore, utilizing a rights-based approach requires UNHCR, as a duty-bearer, to work towards the enjoyment of these rights by persons of concern, by capacity-building measures assisting governments in fulfilling their human right obligations and where necessary to protect fundamental human rights by direct assistance measures.

Utilising a rights-based approach, however, requires work towards fulfilling obligations as duty-bearers to meet these rights, even if only partially. It may mean the progressive realization of rights over time as situations and resources permit. It may mean more advocacy work with the host government and other stakeholders to assume and fulfil their obligations. It may require creative, collaborative approaches – with different duty-bearers each playing a part. For example, with the right to education, funding may be available to support primary school education for only 50% of the refugee children in a given camp. This reality is nevertheless not satisfactory. So, perhaps the refugee community – also duty-bearers – can establish and manage additional refugee-run schools, and perhaps the government can also allow a percentage of the refugee children to attend local schools in neighbouring host communities. Collectively, duty-bearers can better achieve the observance of all rights for all persons of concern.

See also:

Annex I, Rights-Based Approach, including Accountability to Refugees

¹² UNHCR, *Policy Paper on Human Rights*, Division of International Protection, Geneva: 7 August 1997.

¹³ United Nations Human Rights Committee in General Comment 15 and recently re-affirmed in General Comment 31, para. 10 regarding the *International Covenant on Civil and Political Rights*.

Four Essential Principles or One Holistic Process?

Applied most successfully, the four essential principles complement and reinforce one another; thus, distinguishing between them can become difficult in practice. A **rights-based approach** is founded on the principle of participation and of working with communities to promote respect for rights, both at the individual and at the community levels. Therefore, a **rights-based approach** and a **community-based approach** are complementary and view the community's concerns and priorities as the starting point for mobilizing its members and engaging them in protection and programming. Both approaches seek to mobilize all members of the community – including women, and men, girls, boys, older persons and persons with disabilities – to participate in a process in which they define their risks, analyse them and decide on actions required to resolve the issues and realize their rights. Thus, **the mainstreaming of age, gender and diversity** is integral to a **rights-based** and a **community-based approach**. And because effective protection requires partnership amongst a variety of actors, with this partnership anchored in the refugee community and all of its members and based within an understanding of the rights and duties of each partner, so too is the principle of **protection partnership** intertwined with the other essential principles.

Good Practice Cross-Reference Index

Each good practice appears in only one section of this Guide, but all of the good practices address more than one specific protection concern. The good practices within this Guide are therefore cross-referenced below by the specific protection concerns addressed.

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| • Separation and Internment of Ex-Combatants – Sierra Leone | B9 |
| • Information Dissemination through Film – Kenya and Tanzania | D5 |
| • Gender Mainstreaming and Children’s Rights – Turkey | E7 |
| • Participation through Refugee Executive and Sub-Committees – Sierra Leone | E9 |
| • Refugee Participation in Programming – Sierra Leone | E11 |
| • Refugee Participation in Camp Management – Nepal | E13 |
| • Refugee Participation in Camp Management – Chad | E15 |
| • Protection Working Group – Thailand | E17 |
| • Protection Working Group – Angola | E19 |
| • Refugee and Returnee Children in Southern Africa: Perceptions and Experiences of Violence – Angola, South Africa and Zambia | E21 |
| • Children’s Forum – Nepal | E23 |
| Unaccompanied and Separated Children | H1 |
| • Engendering Child Protection – Liberia | H3 |
| • Protecting Children from Separation during Repatriation – Zambia, Namibia and Angola .. | H5 |
| • Best Interests Determination Guidelines – Ethiopia | H7 |
| • Using Art as a Medium for Psycho-Social Support – South Africa | H9 |
| • Care for Unaccompanied Children – Tanzania | H11 |
| • Tracing for Families of Unaccompanied Minors – Tanzania | H13 |
| • Refugee and Returnee Children in Southern Africa: Perceptions and experiences of Violence – Angola, South Africa and Zambia | E21 |
| • Children’s Forum – Nepal | E23 |

1 Administration of justice

Colombia / IDPs / The "house of people's rights", an independent state organ meant to help IDPs, and a protection partner with UNHCR. / Los Altos de Cazuca, Ciudad Bolívar shantytown, Bogotá. / UNHCR / B. Heger / January 2006



Crime rates tend to rise during displacement. Crimes committed in camp settings can range from petty theft of material assistance to physical assault to rape and to murder. Such offences rise due to the breakdown of traditional community and social structures, impacted by the population density of camps, the limited privacy available, and the cohabitation of people and groups previously unknown to each other. Mechanisms for redress, for victim protection, for fair hearings and appropriate punishment are both necessary but often inadequate.

The 1951 Refugee Convention states an obligation of refugees to respect law and order in the country of asylum. This is mirrored by their right of access to courts on the same basis as nationals.¹⁴

While access to justice is a basic human right, recourse to justice for refugees is rare in practice. Women may have particular difficulties accessing their rights given the prevalence of gender bias. Domestic violence against women, for example, may not be taken seriously by any available justice system and may instead be treated as an issue best solved inside the family.

Unclear or relinquished responsibilities inhibit the systematic administration of law in camps. Host governments may be unable to provide law and order and the administration of justice in the camps. So, while the administration of justice within a refugee camp should be carried out according to the judicial and penal system of the host country, many host countries effectively cede control of these matters to UNHCR.

A primary starting point is a functioning and effective law enforcement system. Many problems in systems of justice in camps and settlements can be traced back to deficient enforcement systems. Police or camp security forces play a fundamental role in ensuring refugee access to justice as a first point of contact in the criminal justice system. Police or camp security performance, however, can be affected by poor forensic capabilities, weak oversight, and corruption. (*See Segment 2 on Camp Security for further information*).

The administration of justice in refugee camps can take many forms, including:

- The development of **refugee rules or by-laws** specifying agreed-to codes of behaviour.
- The establishment of formal **grievance committees** where refugees arbitrate minor disputes amongst themselves.
- Both **formal** and **informal conflict resolution or dispute and mediation mechanisms** ranging from the *ad hoc* intervention of elders and block leaders to formalised refugee mediation committees with elections, by-laws, and sanctions for offences.
- **Traditional, non-State systems** of justice imported by the refugees from their country of origin and practiced in their country of asylum.
- **Non-State systems of justice in the host society** incorporated into and practiced inside the refugee camp or in disputes and crimes involving refugees and local community members.
- **The State system of justice in the country of asylum** under whose jurisprudence refugees legally fall.

¹⁴ 'Such access is an essential element of the inclusion of refugees in a functioning system of freedom and justice and is a provision of the Convention to which no reservations are permitted. It encompasses many aspects including access to legal representation, interpretation and translation facilities, costs and fees, as well as broader concepts of due process and fair trial. Although the Convention does not expressly mention the latter, they are inherent to the right of access to courts and exist under general human rights standards.' *Note on International Protection*, paragraph 53, Executive Committee of the High Commissioner's Programme, 52nd session, UNHCR, 13 September 2001.

In reality, a mixture of these mechanisms is often utilised. *Ideally, systems in place should cover: legal awareness, grievance recognition, legal aid and counsel for claimants, support to adjudication, enforcement of remedies or punishments, and an oversight mechanism.*

A. Traditional non-State Systems of Justice

Traditional or customary systems are often used in camps. These systems provide mediation, resolution, and punishment practices utilised in countries or communities of origin, which are exported in part or whole and adapted to the refugee camp setting. Such practices may be administered by refugee elders, traditional judges or refugee leaders, who are either elected or appointed and who can arbitrate disputes, assign guilt, and impose punishment. They may be viewed as representative, transparent, fair, impartial and affordable by the refugee community, thus offering refugees a continuation of the system from their country of origin. Their rulings are likely to be accepted by the community, which will reinforce respect for their sanctions. Additionally, these systems offer both easy access and a quick response to victims. To the accused, traditional courts offer reassurance to be judged through a familiar system with no language or cultural barriers.

Traditional systems of justice certainly provide access to a form of justice for many people and have shown remarkable persistence and resilience. Not only do they express the culture in which members have been socialized and grown into adulthood, but they adapt to changing circumstances.

In short, these traditional systems of adjudication are often perceived to be approachable, affordable, familiar and culturally relevant. For the host government, the traditional system of justice is cost-effective by avoiding reference to the local law enforcement infrastructure. The host government may also view its use as a way of avoiding unnecessary conflicts with the refugee community.

B. State System of the Country of Asylum

Involving the justice system of the host country may make justice more accessible to refugees in the camp as, in principle, it is domestic law which is formally applicable. Official institutions in host countries have a responsibility to provide resources and protection to individuals and communities. They include government ministries, judicial bodies, and police and law enforcement organizations. The responsibilities of these bodies, however, may or may not be framed in language that directly draws upon human rights principles. The role of the State is crucial in ensuring – or obstructing – access to rights. The lack of resources, including financial, is often a real constraint on governments and many poorer countries cannot generate the funds needed to respect international obligations. Political motives, logistical obstacles, and long-term strategies or policies regarding their refugee population may also be factors.

Challenges

Obstacles to the effective and consistent administration of justice in camps can be divided into three major areas: problems with refugee leadership, concerns about non-state and traditional systems of justice, and limitations of the justice system of the host society.

A. Refugee Leadership:

Challenges working with the refugee leaders in the camp may include a lack of impartiality, a lack of trust between them and minority ethnic groups in mixed population camps and a lack of interest in women's and children's concerns. Additionally, refugee committees have, at times, been prone to corruption and favouritism. They may not have been selected in a participatory or equitable manner. Even if fairly and democratically elected, they may not represent minority groups or rotate regularly thereby allowing individuals to consolidate and wield undue power and authority. Under such systems, marginalized groups may choose quite rationally to not even claim their rights.

B. Traditional Justice Systems:

Customary systems should not be romanticized. They are open to manipulation and may endorse violations of internationally recognized human rights. They may be perceived as effective and politically legitimate without necessarily meeting international standards of fair trial, due process or other human rights norms. They tend, for example, not to recognize the rights of women and children, seldom have an appeal process and are often undemocratic in both their recruitment and procedures.

There is no one model of traditional or non-formal systems of justice but rather many systems indigenous to different countries and communities, some of which have been adapted to a new camp situation. Customary systems for dispensing justice are usually undocumented and unregulated, other than by public consensus and the respect accorded traditionally to elders.

Traditional systems also highlight the tensions between community stability and individual rights. In certain societies, collective remedies designed to restore harmony between families and clans, may provide 'satisfaction' but do so at the expense of the individual victim.¹⁵ Traditional systems of justice are also often based on traditional power relationships and, hence, may unduly discriminate against women. Additionally, punishments administered by such systems often involve payment or other forms of compensation by offenders to the victim's family, perhaps to the satisfaction of the family but seldom to that of the victim. In some circumstances, for example, victims of rape are forced to marry the perpetrator under these systems in order to save face and preserve the family honour (this may also be practised in formal legal systems). In such situations, the individual rights and feelings of the victim do not enter into consideration, although her life may be shattered.

¹⁵ International Council on Human Rights Policy, *Enhancing Access to Human Rights*, Geneva: 2004.

The UNHCR Code of Conduct's Core Values and Guiding Principles are clear: 'Respect the cultures, customs and traditions of all people. Strive to avoid behaving in ways not acceptable in a particular cultural context. *However, if considered as directly contrary to an international human rights instrument or standard, the later applicable instruments should guide us.*'¹⁶

Traditional mechanisms for dispute resolution and conflict mediation systems may be staffed by untrained, unqualified refugee personnel, perhaps with little legitimacy or authority in the eyes of their peers. Refugee developed by-laws may be disregarded by offenders with few consequences, thereby undermining the entire self-regulatory structure. Such offenders may be emboldened by new power relationships lingering from the conflict the refugees fled, including the presence of small arms in the camp.

Traditional systems of justice are, at times, a mixture of several systems and may include practices instituted by refugee elders with little input from women or political and ethnic minorities and little consensus from the refugee community itself. They may not be impartial but rather offer 'protection' to those close to the camp leadership or indigenous political structures.

C. Justice Systems of the Host Country

Access to justice may be aggravated because the public administration does not have sufficient capacity to provide effective public service for its own citizens. In some cases, police and other judicial institutions may be a source of insecurity, intimidation or violence. Moreover, host countries too, are known to have inefficient and bureaucratic judiciary and penal systems, resulting in long delays, corruption and bribery. Additionally, they may not respect confidentiality for refugees vis-à-vis their country of origin.

Host country governments may be unwilling to allow refugees to access their judicial and penal systems or to allocate the resources needed to address the new needs. The camps may be geographically isolated thereby precluding direct or regular recourse to the host country's legal system.

Ignorance of internationally recognized human rights, coupled with a lack of legal training among government officials working with refugees and asylum-seekers, also impedes access to justice. The local penal system may release alleged perpetrators due to resource constraints, being unable to shelter and feed criminal suspects in detention facilities. In cases of crimes involving refugees and local community members, the community may persuade refugees not to report crimes or press charges. The local and national courts may be biased.

Refugees may be unfamiliar with the host country's legal systems. Refugees may lack the required economic resources to engage the host country legal system. The lack of adequate legal assistance and/or discrimination during the investigation and prosecution process by the concerned State authorities, too, can impede the administration of justice in refugee camps.

¹⁶ UNHCR, *UNHCR Code of Conduct: Guidelines for Managers*, Geneva: January 2004, Core Value #5, italics added.

Conclusion

Ensuring the administration of justice in refugee camps often involves complex issues and moral dilemmas. A host country penal system may detain suspects in prison conditions that are inhumane or torture alleged perpetrators. The host country judicial system may be overwhelmed, with years of delay before a case is heard in court. Judges may accept bribes; purchasing a verdict of ‘innocence’ may be a *de facto* aspect of the system. The need for due process and punishment for serious offences must be weighed against UNHCR’s responsibility to protect the individual refugee in such circumstances.

Legal awareness is the foundation for fighting injustice. Refugees cannot seek remedies for injustices when they do not know their rights. Access to justice entails more than improving access to courts or guaranteeing legal representation: it must also ensure that legal and judicial outcomes are just and equitable.¹⁷

When in use, measures to improve non-formal or traditional systems of justice should be pursued, such as improving fairness, accountability, gender balance, and adherence to international standards, alongside efforts to link with formal justice structures so that refugees can choose remedies appropriate to the crime from the range of systems available. Human rights education and gender awareness training must be an integral part of the capacity-building assistance provided to traditional and informal justice systems. Strengthening institutional linkages with the host country judiciary can open up avenues to apply human rights principles within the operation of non-formal justice systems. Refugees’ access to host country high courts vested with power to uphold constitutional rights, for example, should not be blocked by non-state practices that curtail the right to appeal decisions made by quasi-judicial tribunals applying customary law.¹⁸ Ultimately, the effectiveness of any system of justice in affording access to rights is determined by the *quality* of the rulings handed down and the *satisfaction* these afford the petitioners.¹⁹

Additional field practices and responses have included:

- Education on legal issues;
- Training refugee leaders on host country legal standards;
- Engaging host country legal associations in refugee representation;
- Designing and hosting workshops between refugee representatives and host country judicial, law enforcement and legal system personnel;
- Training within traditional justice systems attempting to bring them more in line with host country law and with international standards;
- Para-legal training to camp leaders and community members;
- Establishment of community-based mediators or mediation teams, composed of one male and one female refugee;

¹⁷ UNDP, *Access to Justice: Practice Note*, New York: 9 March 2004, <http://www.undp.org/governance/docs/A2J%20PN%20Final.doc>

¹⁸ C. Nyamu-Musembi, *Review of Experience in Engaging with Non-State Justice Systems in East Africa*, paper commissioned by the Governance Division, DFID, London: February 2003.

¹⁹ International Council on Human Rights Policy, *Enhancing Access to Human Rights*, Geneva 2004. p. 52.

- Codifying traditional customary law or camp-based laws and encouraging open hearings to enhance consistency and transparency in decision-making; and
- Developing clear channels for referral to host State systems including, for example, bringing mobile courts to the refugee camps.

UNHCR and NGOs respond to the challenge of ensuring the administration of justice differently dependent on the local context and the appropriateness of alternatives including traditional mechanisms and the local state justice system. Some traditional systems for the administration of justice are more in line with international norms than others. The best answer is likely a mixture of systems: traditional systems of justice or refugee grievance committees handle disputes and petty crimes committed in the camp while serious violations of human rights – abuse, rape, murder, and the like – are referred to the host country's judicial and legal systems for investigation and response. In principle, conflict mediation mechanisms and traditional systems of adjudication are best suited to conflicts and disputes between people living in the same community who seek reconciliation or resolution based on restoring familial or community stability. Formal systems of justice, on the other hand, are best able to provide the legal and procedural safeguards required where serious penalties such as imprisonment are appropriate or where parties are unwilling or unable to reach a compromise.²⁰

²⁰ C. Nyamu-Musembi, *Review of Experience in Engaging with Non-State Justice Systems in East Africa*, paper commissioned by the Governance Division, DFID, London: February 2003.

Checklist

The Administration of Justice

I. In emergencies

- ✓ Identify problems and obstacles vis-à-vis access to justice by persons of concern in the camps.
- ✓ Identify systems of traditional or non-State justice that exist in the camps.
- ✓ Assess if these traditional systems of justice respect international legal standards.
- ✓ Assess if these traditional systems of justice are inclusive of rights of women, children and others with specific needs.
- ✓ Identify training and capacity-building needs of the traditional systems of justice.
- ✓ Assess accessibility to host country system of justice to persons of concern.
- ✓ With the community, develop by-laws and/or codes of conduct to govern behaviour in the camps.
- ✓ With the community, identify and implement other mechanisms for conflict resolution and mediation.
- ✓ Implement education programmes for persons of concern on their rights and responsibilities in the country of asylum.
- ✓ Ensure access to justice for victims/survivors of crime.

II. In stable situations

- ✓ Work with the community to raise awareness on human rights, in particular respect for women's and children's rights.
- ✓ Design and implement training programmes to strengthen refugee systems of justice and host country systems.
- ✓ With the community, delineate which crimes can be solved by conflict mediation or traditional systems of justice and which must be addressed by the host country system.
- ✓ Strengthen access to host country formal systems of justice, such as through the use of mobile courts.
- ✓ Create mechanisms for legal assistance to victims and offenders.
- ✓ With the community, develop by-laws and/or codes of conduct to govern behaviour in the refugee camps.
- ✓ Develop alternatives to detention for petty offences including community service work.

The Administration of Justice

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Good Practices

The Administration of Justice in Camps

These practices represent various responses to the multiple issues involving the administration of justice in refugee camps, ranging from conflict mediation and dispute resolution mechanisms to strengthening traditional systems of justice, engaging NGOs in providing legal assistance, and bringing the host country judicial system to the camp setting.

Refugee By-Laws and Grievance Committee – Sierra Leone

The Sierra Leone practice established a refugee grievance committee to deal with minor offences and disputes within the camp, thus engaging refugees in their own problem-solving and conflict mediation. Further, the practice makes use of alternatives to in-camp detention for offenders through the use of community imposed sanctions such as fines and community work.

The Administration of Justice – Thailand

The traditional system of justice was assessed and a three-phased training developed to strengthen that system to bring it closer to international norms. The practice also engages the national system of justice in the refugee camps and provides legal counsel to refugee victims.

Information and Legal Aid to Refugees, IDPs and Returnees – Pakistan

The Pakistan example involves an NGO providing legal advice and assistance to refugees in both urban and camp settings through an outreach programme. The practice includes legal counselling, conflict mediation, and the use of local *pro bono* lawyers to represent and follow refugee court cases.

Mobile Court – Dadaab, Kenya

The mobile court practice brings the host country judicial system to the refugee populations, addressing the issue of access to due process. This practice can be effective when refugee camps are isolated from host country services and population centres. The practice also includes monitoring by UNHCR and providing advice, legal assistance and interpretation to refugee claimants.

Legal Aid for Women – Guinea

The programme improves access for refugee women and children to legal protection specifically for crimes involving sexual and gender-based violence, paternity and child support and child custody by providing free legal counsel, tracking cases through the legal process, and training of law enforcement and judicial authorities.

Location: All eight refugee camps in Sierra Leone

Cross-References: *Administration of Justice / SGBV / Security in Camps*

Partners: Government of Sierra Leone, UNHCR, respective camp management organizations and the refugee community.

Goal: Maintain and strengthen law and order in the refugee camps

Objectives:

1. Prepare and implement a set of by-laws to govern certain aspects of the conduct of refugees resident in camps based on positive traditional values and practices;
2. Provide a forum for addressing minor offences by refugee residents in each camp and to expedite justice and maintain order in the camps;
3. Report on incidents of minor offences and disputes between refugees in camps; and
4. Empower refugees in maintaining law and order in the camps.

Implementation Strategy:

The project is based on the assumption that refugees would be inclined to seek redress for minor wrongs committed against them and for the resolution of disputes between them by means of a system similar to the traditional justice system that the chiefs and elders practiced in their country of origin. Secondly, that there would be willing adults among the refugee population, with the knowledge and experience to adjudicate disputes and offences.

The by-laws were drafted based on suggestions from refugees, including refugee leaders and various focus groups representing cross-sectors of the refugee community. The by-laws set out rules and punishment for breaking the rules. In all cases, punishment is either by fine or alternatively a certain period of community work. The project also established the Grievance Committees of refugees to hear and adjudicate cases and provides for appeal to the Council of Elders. The entire refugee community in each camp was informed on the by-laws and the establishment of the Grievance Committees.

All hearings of the Grievance Committee are conducted in public and the UNHCR Protection Officers receive advance notice on any hearing. Implementation is monitored by the Refugee Executive, the camp management and the UNHCR Protection Unit. The process is subject to the laws of the host country and prohibits the hearing or adjudication of major criminal offences including sexual offences.

The members of the Grievance Committee and Council of Elders are selected by the Refugee Executive and work on a voluntary basis. In principal, at least 50% should be women, with representation from all the major tribes. UNHCR provides materials and training to support the Grievance Committee and Council of Elders. Cultural ideas and practices in conformity with human rights are reinforced and practices that violate human rights are discouraged. This continuing process should have an influence on the judgment and disposition of members of the

Committee. As such these individuals are often opinion leaders in their communities, changes in their attitudes regarding human rights should also impact their communities of eventual return.

Witchcraft and Adultery

The draft by-laws submitted by the refugees included the prosecution of witchcraft and adultery committed by wives. UNHCR protection staff initially disputed the definition of these as 'offenses' yet they seemed plausible to the Sierra Leonean government counterparts. Eventually, UNHCR agreed that witchcraft and adultery (both by men and women) be punishable offenses as otherwise no consensus on the project could be reached and the potential rejection by the refugees of the by-laws on these issues would push witchcraft and adultery outside the agreed system and impair UNHCR's role to monitor and influence the proceedings.

On a weekly basis, all partners in each camp participate in an inter-agency coordination meeting to report weekly activities and to plan and co-ordinate future activities. The Refugee Executive and Grievance Committee participate in this meeting along with government representatives, partner staff, police and UNHCR.

Challenges in Implementation:

- Enforcement of the sanctions and decisions of the Grievance Committee: Committee sanctions are limited to fines and community work. Offenders sometimes fail to abide by the sanctions and decisions. The enforcement tools available to the Committee are limited. The intervention of the police and other actors is sometimes necessary to enforce compliance with Grievance Committee decisions and sanctions. The Committee sometimes withholds ration cards in order to compel individuals to comply with their sanctions, a practice discouraged by UNHCR.

- A thin line between matters within the jurisdiction of the Committee and matters outside: The refugee population tends to refer to the Grievance Committee matters that should be dealt with by the police, especially cases of SGBV for which the Grievance Committee has no jurisdiction. This is partly as a result of grey areas in the distinction between minor and major offences, but is also as a result of a refugee preference to deal with a set of adjudicators and a justice system they understand. For their part, the Grievance Committee members often find social pressure exerted on them to adjudicate matters beyond their jurisdiction. They have managed to maintain a good relationship with the police but have not always strictly kept within the boundaries of their jurisdiction. The same has been true in the 'native administration courts' of the host community, particularly in cases of physical abuses of wives and children, with these matters kept away from the police and 'settled' at the community level. Insistence from partners that such matters be exclusively decided at the level of the police and the magistrate courts sometimes results in the non-reporting of the incidents. The refugees' apparent preference for the Grievance Committee's administration of justice in such cases has meant that strong punitive action against domestic violence has been achieved on fewer occasions than the number of incidents would indicate.

- Utilization of fines collected by the Committee: Fines collected by the Committee, according to the guidelines of the project, belong to the entire camp population and should be

expended towards recreation and community projects. The Committee members tend not to fully account for the fines received from the matters brought before the Committee. Tracking fines and their utilization has been difficult for the partners because of limited documentation by the Committee. For example, receipts are not issued for payment and receipt of fines.

- Lack of motivation of Grievance Committee members: Refugees serve on the Grievance Committee on a volunteer basis. However, Committee members repeatedly request paid incentives for their services. The continued position of UNHCR has been that the Committee members work on a purely voluntary basis. The Committee has continued work but this issue has probably affected the proper utilization of fines as well as the quality of service delivery.

- Documentation: The documentation process is also a significant challenge. The importance of documenting cases for reporting and monitoring purposes is acknowledged by the various partners. However, individuals who serve on the Grievance Committee are often illiterate and sometimes can only speak their local languages. Enlisting the help of a literate individual refugee as their scribe has also been challenging as such people prefer working on projects that provide pay.

- Compliance with set standards of UNHCR and partners on the representation of the women on the committee: Perhaps the strongest challenge regarding the Grievance Committee has been with respect to their adherence to the guidelines regarding the equal participation of women and men. The number of men on the Committee consistently exceeds that of the number of women. In many camps, only the constant monitoring by UNHCR and partners that ensures the number of women does not eventually dwindle down to zero. Perhaps more significant is the fact that the women on the Committee have little real say in the deliberations. They report less often for duty and play a smaller role in deliberations. The women are less experienced in this line of work than are the men. They also have far more domestic commitments consuming their available time. Some ethnic groups view the idea of women on such a body as a novelty and it is something to which the women themselves must adapt.

Results to Date:

Grievance Committees have served uninterrupted in all camps since their inception. They continue to be the principal adjudicators of the great majority of cases in the refugee camps, receiving an estimated 90% of the total reports of crimes and disputes between and among refugees. The 24-hour presence of Committee members in the camps means that in some cases they intervene in incidents that could otherwise worsen. For example they are often the first to intervene in incidents of domestic violence, which often occur at night, and thereby limit potential harm and damage before the police have the opportunity to come into action for punitive measures.

The Grievance Committee continues to receive the bulk of reports of wrongs against refugees which is an indication of the verdict of refugees on the 'Project'. The Committee deliberations are better understood by the population. The language(s) used are common to the vast majority of refugees. On a number of occasions the Grievance Committee has had to serve as the interim Refugee Executive body in the event of the dissolution of the Executive. This is another indication of the confidence held in this body by the various stakeholders. The Grievance Committee

members belong to the refugee community and are opinion leaders in their own right. They therefore, at times, disseminate information on issues such as human rights and justice on behalf of UNHCR and partners.

The project provides a process seen by the refugees to be fair, transparent and respecting traditional norms and practices. In simple terms, the Grievance Committee brings justice closer to home for the refugees by making it easily accessible for all.

For further consideration:

- Is the acceptance by UNHCR of by-laws that criminalise witchcraft a ‘compromise too far’, including because this charge would likely be applied predominantly against women? Was this an acceptable balance between seeking community legitimacy while respecting and promoting international human rights standards that inform a rights-based approach?
- What more can be done to encourage the active participation of women in the various committees?

Location: All nine Burmese border camps in Thailand

Cross-References: *Administration of Justice / SGBV / Security in Camps*

Partners: UNHCR, Royal Government of Thailand – Ministry of Justice, refugee community

Goal: Improve administration of justice in Burmese refugee camps in Thailand through the engagement of Thai judicial system and capacity-building of traditional justice systems.

Objectives:

1. Assess the refugees' traditional systems of justice vis-à-vis international norms and standards; and to aim to bring them more into line with those standards;
2. Train refugee camp committees and women's committees on Thai law and international legal standards to sensitize refugees to their rights and obligations;
3. Involve government officials at the central and provincial level in the administration of justice in the refugee camps;
4. Bring government officials and refugee leaders together to discuss respective roles and responsibilities in the administration of justice in the refugee camps; and,
5. Improve the administration of justice in the camps through the retention of legal counsel to assist refugee victims.

Implementation Strategy:

- Engaged outside authority (an Australian judge) to assess traditional systems of justice used in the Karen and Karenni refugee camps.
- Obtained commitments from government authorities at the senior/central level that they would do more to prosecute serious crimes committed in the camps.
- Held discussions with refugee leaders including refugee women in two camps to assess attitudes towards the Thai legal system, interest, training needs, and traditional justice implemented in camps.
- Developed training/workshop modules with national legal professionals from National Human Rights Commission, the Thai Law Society and NGOs.
- Implemented 3-phase workshop series:
 - Phase I involved workshops with refugees in all nine camps – two-day workshops for refugee committees and women's committees on UNHCR's protection mandate, international protection, refugee rights under international refugee law and human rights law, Thailand's obligations under international law, obligations of refugees under international and Thai law, criminal procedure, victim's rights and obligations, the rights and obligations of the accused and of witnesses, and access to the Thai justice system in camps. The methodology used was participatory: brainstorming, role plays, case studies, and small group discussions in addition to plenary discussions.
 - Phase II was workshops with government officials involved in the administration of justice at the provincial and central levels. The one and a half day workshop translated the commitments made at the central level - to prosecute serious crimes - into action at the field/camp level. The workshop clarified procedures and roles played by the key actors in criminal cases in camps, including camp commanders, district police, provincial public prosecutors, and the refugee camp committees. Recognizing that in-camp traditional justice

has a role to play, the workshop also discussed working with refugee camp committees. A key element of UNHCR's strategy was to expand the debate beyond the Ministry of Interior (MOI), the line Ministry for running the camps, to involve the Ministry of Justice (MOJ).

- The next phase (Phase III) brought together relevant government officials and refugee leaders seeking the government to demonstrate its willingness to apply Thai law and to assuage refugee concerns about its commitment to prosecute Thai offenders. An additional objective was to discuss the proper role of the camp committees in the administration of justice that the Thai authorities consider appropriate.
- In addition to the workshops, a key element to improving justice in the camps has been the retention of legal counsel to assist refugee victims bring perpetrators of crimes to justice under the Thai criminal justice system. The UNHCR-engaged lawyers pushed cases through the system, making sure cases are properly investigated and followed up by the police.

Challenges in Implementation:

- Although a number of women participated in the camp-based workshops, the discussions were dominated by the refugee males.
- Reluctance on the part of refugee leaders who did not support the greater involvement of Thai authorities because they did not wish to relinquish their control over refugees.
- Cumbersome layers of channelling reports cause long delays in processing cases. Before reaching the police, cases pass through layers within refugee community and Thai authorities: camp commander, army, border patrol, and district officer.
- Practical and logistical difficulties in administering the Thai legal system of justice in the camps due to remote and difficult to access locations along the border.
- Refugees often prefer for the crime to be 'solved' under traditional justice systems that do not meet basic standards of due process and do not apply sanctions in line with international human rights standards or Thai law. Refugees' preference for using traditional systems of justice stem from its familiarity, pressure from refugee leaders, and a desire to keep refugee problems hidden from host country authorities (for fear of eroding Thailand's receptiveness to hosting the refugee population).

Results to Date:

- The assessment of the traditional systems of justice in the refugee camps found they are inappropriately equipped to deal with serious crimes given their lack of a clear legal basis, transparency, fair procedures and trained personnel.
- The Phase I workshops demonstrated that refugees have strong feelings about maintaining their traditional system of justice but are open to of integrating it with the Thai justice system in some fashion.
- The confidence of refugee communities in UNHCR was enhanced.
- In 2003, legal counsel was engaged to represent refugee victims in 10 cases, 9 of them involving rape. Due to involvement of UNHCR-appointed legal counsel, all cases were investigated and some cases successfully prosecuted, including a Thai soldier who raped a 13-year old girl; the soldier was convicted and imprisoned.
- Government authorities at provincial and central levels confirmed their commitment to ensure refugees have access to remedies provided by Thai law. Procedures and roles of actors involved were clarified, and the importance of referral and reporting of cases, particularly from camps to police stations to enter cases into the justice system, was emphasized. It was recognized that coordination with other key actors including UNHCR, NGOs, refugee camp committees, is required.

Cross-References: *Administration of Justice / SGBV*

Goal: Enhance the protection of Afghan refugees through the provision of legal aid and counselling on durable solutions, such as voluntary repatriation including information on country of origin in close coordination with UNHCR.

Partners: Norwegian Refugee Council (NRC), UNHCR

Objectives:

1. Provide free and qualified legal assistance to Afghan refugees in Pakistan;
2. Facilitate refugee access to legal remedies (courts and mediation) to ensure respect for their rights; and,
3. Provide accurate information to refugees on conditions in Afghanistan to assist them to make an informed choice.

Implementation Strategy:

The operation rests on three main pillars:

1. Individual legal aid casework;
2. Dissemination of and counselling on return related information; and
3. Advocacy.

Through the implementation of the three main pillars, some of the legal problems and harassment facing refugees, returnees and IDPs are resolved. This, in combination with the better dissemination of information on return matters, improves the free and informed decision-making regarding voluntary repatriation. Specific steps include:

- Initiate large scale information dissemination campaign about the project to the refugee community.
- Communicate with the refugee communities and adjust and adapt the project as needed based on their expressed concerns and needs.
- Identify and develop a roster of *pro bono* lawyers in each locale.
- Collect / share country of origin information and voluntary repatriation process.
- Establish links for coordination and referral with UNHCR Protection and UNHCR Resettlement for at-risk cases.
- Establish links with the Pakistan authorities particularly CAR (Commission on Afghan Refugees).
- Establish links for coordination and referral with UNHCR Repatriation Unit for refugees wishing to voluntarily repatriate to Afghanistan.
- Negotiate access to jails and other detention facilities.
- Familiarize staff with national policy and law such as the Foreigners' Act.
- Establish mobile teams to provide legal advice services to the new and old refugee camps in the Northwest Frontier Province.
- Provide training to refugees on refugee rights and responsibilities in the country of asylum.
- Develop links with national and international NGOs and government authorities to facilitate information-sharing and cross-fertilization.
- Develop cross-border linkages with humanitarian and assistance agencies on services offered for returnees including shelter, education, health care and employment/income

generation as well as with NRC partner programmes offering legal assistance services in Afghanistan.

- Monitor and prepare monthly narrative and statistical reports noting assistance offered, numbers served, obstacles encountered and service gaps identified.

Challenges in Implementation:

- Lack of cooperation from national authorities.
- Practice of mass and arbitrary arrests.
- Lack of access to the camps, at times, and the precarious security situation in the camps and/or the areas in which they are located (often controlled by autonomous tribal leaders).

Results to Date:

- Secured the release of hundreds of refugees detained under the Foreigners' Act for not possessing legal documents.
- *Pro bono* lawyers provided legal representation for refugees charged with criminal offences and/or otherwise detained to ensure fair legal proceedings and protect refugees from discriminatory treatment.
- Legal assistance and representation provided to refugees for civil matters – money disputes, tenancy/eviction problems, land disputes, and police and community harassment.
- Mediation services provided to refugees in cases involving divorce, separation and other family disputes.
- Filed legal cases: 7,000; Solved legal cases: 2,500
- Filed information cases: 12,000
- Individuals directly reached: 100,000
- The project permits Afghans to enjoy the rights enshrined in Art. 16 of the 1951 Refugee Convention. Access to legal remedies has helped to change the perception (including among government officials) that Afghans are 'illegal' with no legal personality and therefore with no means of redress. These changes have led to greater awareness and enhancement of the protection of their rights.
- The project has assisted UNHCR to establish contacts with experienced lawyers who have provided expert advice on divorce procedures (women victims of domestic violence and other forms of SGBV) and special legal procedures that underage women unwilling to return to their families can take when fearing for their lives.
- The project began implementation in the context of large-scale repatriation. It soon became evident that many Afghans were unwilling or unable to return because of unsettled legal matters, lack of documentation or because of detention. The project enabled refugees not only to receive protection of their rights but also to achieve durable solutions to their refugee situation. The cross-border coverage of the project allowed some refugees to follow their case upon return to their home country.

Mobile Court - Dadaab Refugee Camps, Kenya

Cross-References: *Administration of Justice / SGBV / Security in Camps*

Goal: Improve the administration of justice in the camps by providing refugees access to the host country judicial system.

Objectives:

1. Develop and implement a mobile court system bringing district court personnel to the Dadaab refugee camps;
2. Enhance the administration of justice in the camps through the provision of access to the national, host country judicial system;
3. Provide an alternative to the less-than-ideal, traditional *Maslaha* system of justice currently operating in the camps; and,
4. Provide a forum for civic education for the refugee population.

Implementation Strategy:

- Negotiate agreement with district level judicial system for personnel to travel on a regularly scheduled basis to the Dadaab refugee camps inclusive of incentives required.
- Ensure that mobile court visits are regularly scheduled.
Inform refugee community about the establishment of mobile court, purpose, and schedule.
- Ensure that mobile court proceedings are open to the public unless involving minor children or other sensitive issues that require privacy and respect for confidentiality.
- Regularly monitor court proceedings: UNHCR Protection staff watch the briefs in cases involving refugees, particularly SGBV cases and provide advice and act as *amicus curiae* in matters of refugee law.
- Provides UNHCR advice and material assistance to allow witnesses to attend the trial.
- Interpreters are provided by the refugee community.

Challenges in Implementation:

- No system of state legal aid and few *pro bono* lawyers exist in Kenya; legal representation for both victims and alleged perpetrators remains problematic.
- Sessions cancelled for a period of time due to unavailability of a magistrate.
- Reliance on availability of court personnel willing to travel regularly and to sit in substandard conditions.
- Corruption and inefficiencies that already exist in the host country judicial system.
- Host government must commit itself to the arrangements and a working timetable to ensure there is predictability as to when the court sits.
- Competition with the traditional justice system (*Maslaha*).
- Poor investigation of cases due to uncooperative witnesses and the lack of adequate resources.

Results to Date:

- Addressed concerns about physical accessibility of the judiciary; regular sessions of the court are held in the camp.
- Serves as a forum for civic education. Through open court hearings, refugees learn the basic procedural and substantive jurisprudence of the host country.
- Expedites the delivery of justice, through quick and effective disposition of cases.
- Time and cost effective. It is less expensive for the court personnel to travel to the camps than for refugees involved in court cases to travel to the court every time their case is to be heard.
- Easier for UNHCR to monitor.
- Allows language issues to be dealt with easily through the use of refugee interpreters.
- Resulted in a reduction in incidences of crime including SGBV – based on reporting and due to the punishment of sentenced perpetrators making others aware that there is no longer impunity.
- Addressed the issue of witness attendance, particularly in cases involving refugee women and children.
- Where complainants are women and children, the court uses the opportunity to expound on matters of children's and women's rights.

Location: N'Zerekore and Kissidougou, Guinea

Cross-References: *Administration of Justice / Security in Camps / SGBV*

Goal: Prevent and respond to SGBV by improving access to legal protection for refugee women and children.

Partners: American Refugee Committee (ARC)

Objectives:

- Decrease perpetrators' impunity through defence of victims' legal rights.
- Promote women's rights and a culture of rule-of-law among refugees.
- Build capacity of local law enforcement and judicial authorities with respect to GBV.
- Ensure that the non-legal needs of survivors are addressed.

Implementation Strategy:

The clinics fill a critical protection gap by linking refugee women and children into the Guinean legal system and providing them with the means to bring charges against those who have abused and exploited them. ARC staffs two clinics with attorneys to hear claims, provide legal advice, and pursue lawsuits. The services are provided to refugee women free of charge, and cases covered include rape, domestic violence, paternity/child support, and child custody. The confidentiality of the client is respected. ARC also undertakes sensitization activities regarding women's legal rights, seeking to change the prevailing attitude of passivity towards SGBV and exploitation and to inform women of their options for prosecuting their attackers. Finally, ARC leads training sessions for local law enforcement and judicial authorities to increase their knowledge and understanding of SGBV and women's rights issues.

Challenges in Implementation:

- Ensuring that perpetrators, once arrested, remain in prison – local law enforcement often allow them to leave once ARC staff are no longer around.
- During the initial phase of the project, few women accessed the clinic's services, because many women seemed sceptical that the clinic could successfully address their problems. However, after the first few months passed with a 95% success rate for the clinic's cases, the number of women coming to the clinic greatly increased.
- Developing a strong relationship with local legal authorities. ARC was not initially well-known among the Guinean judicial authorities, and it was necessary to develop strong relationships to ensure that the clinics would be taken seriously by the Guinean courts.
- Enforcement of judgments has been difficult at times, because Guinean police have not always been willing to follow-up on perpetrators. ARC has addressed this in part by engaging a bailiff to help execute judgments and settlements.

Results to Date:

- The two clinics together average 50 new cases per month.
- Over 95% of the clinics' cases achieve a positive result for the plaintiff.
- Nearly 100% of clients express satisfaction with the clinics' services.

2

Camp security and maintaining the civilian and humanitarian character of asylum

*Chad / Sudanese refugees / Breidjing camp early morning on
August 5, 2004. / UNHCR / H. Caux*



Agenda for Protection Goal 4

“Addressing security-related concerns more effectively”

Security problems confronting refugees can take many forms. The breakdown in social and cultural structures and norms, the proliferation of small arms in conflicts, the separation from and loss of family members and community support, and impunity for perpetrators of crimes and violence make refugees – particularly women and children – especially vulnerable. Refugee women and girls are often subject to specific forms of abuse, such as rape, abduction, trafficking, or demands for sexual favours in exchange for offers of protection, documents or assistance. Refugee children, especially girls, are even at greater risk of sexual exploitation, violence and abuse. Refugee children, including adolescents, are often also prone to forcible recruitment by armed groups and national forces, especially where refugee camps are located in close proximity to zones of armed conflict. The presence of armed elements in an influx of refugees, or in camps or refugee-populated areas, can exacerbate all the above problems and, moreover, generate serious security concerns for refugees, receiving States and host communities.

Distinguishing between refugees, on the one hand, and armed elements, on the other, is a major challenge but nevertheless clearly in the interest of States and of refugees. States may require technical support and dedicated resources to ensure security of refugees, refugee camps and refugee-hosting areas and, more generally, to preserve the civilian character of asylum. Addressing security-related concerns depends first on the commitment of the country of asylum but may also require the involvement of the UN Security Council, the UN Department of Peacekeeping Operations and organizations with specific competence in situations of armed conflict, such as the International Committee of the Red Cross.

Camp security and maintaining the civilian and humanitarian character of asylum are distinct issues that may or may not be linked in a particular refugee camp or settlement. Women in a camp free of armed elements may nevertheless experience SGBV perpetrated by local police, humanitarian personnel or fellow refugees. Conversely, an apparently safe, orderly and disciplined camp may be under the covert control of an armed rebel movement. This chapter examines these two issues separately, but also looks to their possible links.

A. Camp security

Security: freedom from the threat of violence, coercion or deliberate deprivation. Security also has a subjective dimension. A person's *perception* of the risks they face is what determines whether or not they feel secure.²¹

Ensuring the physical security of refugees is an essential part of refugee protection. Like all people, refugees are entitled to an environment that supports their fundamental human rights to life, liberty and security of person. Under refugee and human rights law, a host state is obliged to

²¹ ODI/HPG, *Discussion Paper on Humanitarian Protection and the Politics of Influence: A Study of Concepts and Practice in the Protection of Civilians*, draft: 25 June 2004.

ensure the physical protection of all persons within its borders.²² UNHCR's *Statute* and Article 35 of the *1951 Refugee Convention* provide UNHCR with a mandate to monitor and assist states in their primary obligation to provide physical protection to refugees.

Ensuring the physical security of refugees entails securing their areas of residence and taking steps to prevent their safety from being jeopardised. It also requires that the living environment of refugees should be peaceful, humanitarian and civilian, free of violence and criminal activity, and conducive to the realization of human dignity.²³ Refugee protection encompasses measures to ensure refugees' **physical security** (preserving the physical safety of refugees), social security (delivery of minimum standards of material assistance) and their **legal security** (restoring and safeguarding legal rights).²⁴

Threats to the physical security of refugees may stem from a variety of causes, including organized armed criminals, errant military and police, non-state armed parties to a conflict, anxious local populations and other refugees. Refugees are often subject to violence and mistreatment as a result.

Although threats to personal security are not unique to refugees, the threats are often **aggravated** by the vulnerable position in which refugees find themselves:

- they do not benefit from the protection of their own government;
- they usually have limited material resources;
- their family and community structures are strained or dissolved;
- they are often forced to travel through insecure areas to find asylum;
- they often lack appropriate documentation;
- their groups may be infiltrated by armed elements; and
- they are sometimes manipulated by host countries or even donors for political purposes.

The situation of refugees is further strained when forced to live in a large camp or settlement where they may be deprived of educational, agricultural and income-generating activities and have little prospect of finding a quick solution to their situation.

Threats to the security of refugees may take a number of forms:

Theft, assault, domestic violence, forced marriage, cattle rustling, vandalism, child abuse, rape and other sexual assault, arson, fraud, forgery, aggravated assault, murder, forced prostitution, kidnapping, human trafficking, smuggling, and carrying weapons.

Security threats can rise to the level of war crimes or crimes against humanity, to include: targeted or serial rape; exploitation; enslavement; and torture; war crimes.

²² UNHCR, *A Comparative Review of Refugee Security Mechanisms*, Hall, I., and Gupta, H., (ESS), 2004.

²³ Durieux, J.F., 'Preserving the Civilian Character of Refugee Camps: Lessons from the Kigoma Programme in Tanzania.', appearing in *Track Two*, vol. 9, No. 3, November 2000.

²⁴ UNHCR Memorandum, *Protection Guidelines relating to Refugee Security*, OPS 4 Kosovo, 3 May 1999.

Good practice in refugee security and camp management²⁵

- Empower refugees and host community leaders to have a role in security; support development of refugee volunteer guards/ neighbourhood watch teams.
- Sensitize, and where warranted, strengthen the capacity of local police to discharge its responsibilities effectively; include them in UNHCR training programmes.
- With the refugees, establish minimum standards of security that should exist in the refugee community and develop camp rules.
- Identify and disseminate the legal rights refugees have in the country of asylum.
- Establish effective, objective and safe channels for the dissemination of information.
- Establish a camp administration system that is participatory and representative, particularly of women and other individuals and groups with specific needs, and which includes dispute resolution mechanisms.
- Establish an effective relief distribution system.
- Provide a visible, ongoing, and effective government and international presence.
- Expand education opportunities and programmes particularly at the secondary and tertiary level.
- Develop effective, objective, and safe reporting and compliance mechanisms.
- Use Codes of Conduct for all involved parties – UN, NGO, and refugee committees; (See *Annex B, to Core Principles of a Code of Conduct*.)
- Participatory monitoring through regular discussion with women, girls, boys and men from diverse backgrounds within the persons of concern.
- Establish systems to regularly monitor separated and unaccompanied children.

Challenges

- **Personal conflicts between refugees, lack of sufficient humanitarian assistance, common criminality and banditry, and undisciplined police or security forces** can all be sources of insecurity. Clashes within camps between different ethnic or religious groups, for example, can also lead to an erosion of physical security for all refugees in the camp. At times, **refugee leaders**, especially those who have not been democratically elected, **use their positions as a power base** to influence and control the refugee population – causing further tensions and insecurity in the camps.
- **Clashes between the refugees and local populations** can also heighten insecurity. Disputes, for example, take place between refugees and local population over competition for available work, land rights, water usage, damage to crops by domestic animals, and deforestation of local areas.
- **Gender roles** assigned to women and men, and girls and boys, and the often subordinate position of women and girls leads to **tension, abuse and discrimination** of women and girls. These issues need to be addressed in order to provide quality protection to all.

²⁵ Largely from, da Costa, R., *Legal and Protection Policy Research Series: Maintaining the Civilian and Humanitarian Character of Asylum*, Department of International Protection, PPLA/2004/02, UNHCR, Geneva: June 2004.

- **Instability in the country of refuge** and the activities of local rebel groups can cause serious protection problems. **Local police or military** providing camp security **are, at times, themselves offenders** – committing SGBV against women and girls, pillaging relief aid, and applying abusive enforcement.
- Other security concerns include: **lack of female police or security personnel** in the camps; **poor or inadequate lighting; poor placement of water points and toilets**²⁶ necessitating, for example, women and children to walk considerable distances; and the practice of firewood collection and/or field cultivation far beyond the borders of the camp.²⁷ Additionally, **the lack of livelihood potential, secondary and tertiary educational opportunities**, and **vocational skills training programmes** can promote insecurity in camps as refugee youth and men, bored and idle, turn to petty crime and alcohol abuse.

Checklist Camp Security

I. In emergencies

- ✓ Through participatory assessments and on-going participatory monitoring, identify security risks – such as refugees collecting firewood and water outside the camp or in the peripheral areas of the camp and assess how these security risks can be minimized.
- ✓ Ensure that camp layout, lighting, placement of toilets and water points enhance rather than compromise the security of women and children.
- ✓ Work with host government to provide security personnel, including women, around camp border areas.
- ✓ Establish systems to monitor the protection of unaccompanied and separated children.
- ✓ Engage persons of concern, including women and youth, in their own protection and security, i.e., through, the establishment of neighbourhood watches or security patrols.
- ✓ Ensure clear delineation of roles and responsibilities between the persons of concern and the host government security personnel.

II. In stable situations

- ✓ Map security incidences to track where security breaches are occurring and implement measures to address these breaches.
- ✓ Monitor camp security on a regular basis, remaining vigilant to new security threats and possibilities for the deterioration of security due to complacency.
- ✓ Continually assess ways to improve camp security by ongoing training of security personnel both amongst the persons of concern as well as the host country security.
- ✓ Continually assess means to increase the participation of women in security apparatuses of both the persons of concern and the host country.
- ✓ Continually review security logs and incidents and assess interventions needed for strengthening follow-up procedures

²⁶ See, *UNHCR Emergency Handbook* and *IA Camp Management Project's Camp Management Toolkit*, for guidance on camp layout and design.

²⁷ See, *The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response*, 2004 Edition, for indicators related to these factors.

B. Maintaining the civilian and humanitarian character of asylum

The preservation of security in refugee camps is closely related to the maintenance of its civilian character. The presence of armed elements, incursions by militias, cross-border raids, and recruitment from the camp will prevent the establishment of a neutral and secure refugee environment.²⁸

Participants in armed conflicts may not respect international boundaries. Combatants and other armed elements often move between a conflict-zone and the territory of a third-party state. As a result, local and refugee communities may be infiltrated by the combatants and armed elements, potentially jeopardising the security of those settlements and the region.

The militarization of camps constitutes a very serious threat to the security of refugees and host populations. This may include the presence of armed elements residing in refugee camps, taking food and material assistance from camp residents, or using camps as a base for short-term 'rest and recuperation.' Coercion, intimidation, recruitment (forced or otherwise), combat training and abduction are unacceptable activities that may occur when the civilian and humanitarian character of a refugee camp is compromised.

The very existence of international refugee law and the protection it confers is premised on the principle of neutrality and, more specifically, on the peaceful and humanitarian character of asylum. As such, refugee camps should have an exclusively civilian and humanitarian character and all actors, including refugees themselves, have an obligation to cooperate in ensuring and maintaining that character in refugee camps and settlements. States, though, have the primary responsibility to ensure the civilian and humanitarian character of asylum by making all efforts to locate refugee camps at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants.²⁹ Often, however, States need considerable support and technical assistance to undertake these activities.

While camps may be regarded as efficient settings for the channelling of aid to large numbers of displaced people, the neutrality of camps should never be taken for granted. The closed environment of refugee and IDP camps is particularly conducive to exploitative and manipulative activities of those that seek illicit gain from the vulnerable nature of the residents³⁰ as well as the significant international resources that arrive.

The consequences of refugee camp security breaches can be severe. Refugee camps that are allowed to descend into lawlessness will impact neighbouring host communities and may place the institution of asylum in jeopardy in the host country. At times, UNHCR and the international community have their access to the camps completely curtailed due to the presence of armed

²⁸ See Executive Committee Conclusions 48, 72 & 94 which *inter alia* urge States to take all measures necessary to prevent or remove threats to the personal security of refugees.

²⁹ UNHCR Executive Committee Conclusion No. 94, 8 October 2002, para. (a).

³⁰ Durieux, J.F., p. 9.

elements, attacks on the camps, or insecurity in the region where the camp is located. UNHCR and NGO staff have been taken hostage, attacked, and murdered in such situations. The presence of armed elements in refugee camps threatens the national security of States as well as inter-State relations.³¹

Situations of mixed refugee flows, especially in mass influx situations, pose some of the most significant challenges to maintaining the civilian and humanitarian character of asylum in refugee camps. How to provide for the protection and humanitarian needs of *bona fide* refugees while managing to effectively identify and separate out combatants? Often host governments are unable to manage these two complex activities simultaneously and, hence, security is likely to be compromised.

In principle, the targets for identification and separation operations are combatants who enter a third neutral state as part of a mixed refugee flow resulting from an armed conflict, or who are already present in refugee camps or refugee populated areas.

- **Combatant** is applied to any person who is 'a member of an armed or military organization or establishment, whether regular or irregular, or has been participating actively in military activities and hostilities, or has undertaken activities to recruit or train military personnel, or has been in command or decision-making position in an armed organization or establishment, or has arrived in the receiving country carrying arms or in military uniform, or having presented himself in the receiving country as a civilian, assumes or shows the intention to assume any of the above attributes.'
- **Armed civilians** are those who enter the host country or camp with weapons amongst their household goods but who have not been a party to the conflict.
- **Armed elements** generally refers to a mixed influx situation of combatants as well as armed civilians.

All **armed elements** (whether **combatants** or **armed civilians**) must be disarmed while **combatants**, in addition, should also be screened/identified, separated and interned. A combatant cannot be a refugee.³²

Authorities of the country of asylum should take measures to disarm armed elements and to identify and separate combatants at the earliest possible moment, preferably at the point of entry, the first reception/transit centres for new arrivals or, failing that, at the earliest opportunity in refugee camps and settlements.³³ The earlier the disarmament, identification and separation, the better the protection for the civilian *bona fide* refugee population and the greater likelihood of establishing and maintaining the civilian and humanitarian character of the refugee camps and settlements. Disarmament and the separation of combatants before encampment are key to circumventing many problems including the dilemma of distributing aid to a population that includes armed elements and the difficult operational complications of effecting physical separation measures within an existent refugee camp.

³¹ UNHCR Executive Committee Conclusion No. 94, 8 October 2002.

³² Definitions from, da Costa, R., p. 10.

³³ *Ibid.*, p. 19.

Locating refugee camps and providing humanitarian assistance at a safe and effective distance from border areas (or other areas of conflict) functions as one of the principal deterrents for combatants and will significantly decrease the risk of their presence among *bona fide* refugees. Authorities of the country of asylum may initially resist such locations, fearing that refugee camps deeper within the country of asylum will draw in the conflict of the country of origin. Experience shows the opposite: the closer the refugee camps are to the border, the more likely the camps will be compromised with armed elements. Persistent negotiation, led by UNHCR and friends within the diplomatic community, will likely be necessary to overcome this reluctance.

Key to the effective separation of armed elements are:³⁴

- Effective early warning and rapid response mechanisms;
- Reliable and prompt country of origin information including the nature of the conflict and the composition of cross-border flows;
- Political will;
- Sufficient resources; and,
- Capacity to undertake what may amount to forcible disarmament, physical separation and internment.

Persons excluded from refugee status should not be accommodated in refugee facilities. However, where refugee status is based on group determination, family members of combatants should be treated as *prima facie* refugees, unless there is reason to believe that there may be grounds for exclusion based on their own activities. Likewise, child soldiers should be separated from and not interned with or detained alongside adult combatants. They should benefit from special assistance and rehabilitation programmes that assist them to reintegrate into civilian life.

United Nations Security Council Resolution 1208 (1998) reaffirmed the principle that the primary responsibility for ensuring the security, and the civilian and humanitarian character of refugee camps and settlements lies with a host state.

United Nations Security Council Resolution 1296 (2000) affirmed the need to provide peacekeeping operations with a sufficiently broad mandate and adequate resources to allow them to protect civilians under imminent threat of physical danger. Where a force has a mandate to act, it is necessary to ensure that it is equipped and trained to best address the issues that affect refugees.

The 'Ladder of Options' concept was introduced by the High Commissioner for Refugees in a statement made in October 1997. The concept was further developed through a UNHCR Policy Research Unit paper entitled 'Ensuring the civilian and neutral character of refugee populated areas: the ladder of options', submitted in July 1998 within consultations between the UNHCR and the UN Department of Peacekeeping Operations. The concept provides a matrix of refugee security and response mechanisms, looking at the use of soft, medium and hard approaches to

³⁴ From, UNHCR, *Working Paper for the Expert Roundtable on Maintaining the Civilian and Humanitarian Character of Asylum*, Draft 1, Geneva, 9 – 11 June 2004.

refugee security, depending on the security situation and the extent the government in the country of asylum is unwilling or unable to provide asylum.

UNHCR Ladder of Options for Maintaining Security in Refugee Camps

1. **Soft Approach** > preventative measures, where international organizations provide support to the host state to maintain security within refugee-populated areas.
2. **Medium Approach** > the use of international civilian or police monitors to provide expertise and support for local authorities through training, mentoring and monitoring.
3. **Hard Approach** > the direct use of international military forces, whether peacekeeping or peace-building, to maintain security in refugee populated areas. This last resort is exceptional in nature, requires UN Security Council authorisation, and has the potential to compromise the perception of neutral humanitarian nature of assistance work.

In addition to providing a secure operating environment and assisting the disarmament, demobilization and reintegration of combatants, troops may play an expanded role in exceptionally large emergencies such as assisting in the transport of humanitarian relief, providing logistical information, technical support, and assisting in the development and implementation of evacuation plans. Although international military or security forces can provide such logistics assistance and security, they can also directly undermine the civilian and humanitarian nature of the camps. Similarly, such forces can bring security problems such as SGBV to camp residents as well as change locals' perception of the neutrality of the UNHCR and its NGO partners. UN inter-agency guidance pertaining to the use of military assets by humanitarian actors was published in March 2003 and is known as the 'MCDA Guidelines.'

Military recruitment of children

Special attention should be given to preventing military recruitment of children – girls and boys – and, in particular, unaccompanied and separated children. Joining armed groups or forces should not be an option to children in conflict zones. To address this, alternatives should be promoted such as enrolment in schools and training centres while seeking to ensure that refugee camps are protected from attack and (re-)recruitment. Providing adequate food rations and other assistance also reduces the risk of recruitment as well as the provision of income generating activities, family reunification, psycho-social support and recreational activities.

Child soldiers

A **child soldier** is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms. (Cape Town Principles, 1997)

Programmes for children released or escaped from armed groups and forces are more effective when addressed in the framework of tracing, reunification and reintegration of separated children rather than in the framework of a professional discharge as for adults, which are usually dependent on negotiated peace settlements. Pending reunification with their families, measures

for their protection and care are essential, in particular for girls who have given birth or who have become pregnant. While girls and boys have different needs, they should be protected and assisted in an equitable manner by these programmes.

Reintegration that addresses the specific needs of *all* children affected by armed conflict in the community will avoid singling out (and visibly “favouring”) children associated with armed groups and forces. This may also address the needs of ‘invisible child soldiers’. Reintegration should be seen as a process and not a one-off activity and should be community-based with an emphasis on family livelihood activities and efforts to extend education, vocational skills training and health care to all children, including girls.

Challenges

Numerous realities impinge on the security of refugee camps. At times, **camps are located too close to the border** allowing for the easy **infiltration of armed elements** engaged in the country of origin conflict and allowing for the ready recruitment of refugees for various militia factions. Proximity to the border also makes **cross-border attacks** on refugee camps more likely. They can be hard to identify and there may not be separate facilities in which to house them. Refugees may also smuggle weapons into camps and provide aid and assistance to armed groups in the region.

Women and girls are increasingly the **target** of attacks by armed elements and any security strategy must incorporate their specific needs in prevention and response programmes, as well as measures with governments on follow up to human rights violations. Girls and boys are also easy prey to **forced military recruitment** and **regular monitoring of schools and other registration data** is necessary to ensure that any recruitment is detected early on and preventive measures taken.

The identification and **distinction between combatants and former combatants** who have not undergone a formal disarmament and de-mobilization procedure is likely to be difficult. Moreover, **the distinction between armed elements and former combatants vis-à-vis civilian refugees** can be problematic. There may be much blurring of lines and roles with ‘daytime refugees’ taking up arms and slipping across borders at night. The host country may overtly or covertly favour one side of the conflict and undertake identification and disarmament in a biased manner.

Lastly, the **greater role of international military forces** in refugee situations can and has compromised the civilian and humanitarian character of asylum. Such situations have called into question the neutrality of other humanitarian actors especially when the international forces engage directly in delivering relief and/or are a party to the conflict.

Conclusion

All refugee situations are unique; no particular mechanism can be a template for each and every situation. Refugee camp security strategies must be developed for the particular operational environment and the security context therein.

The maintenance of law and order is necessary in all societies and is particularly important to refugee populations. As the population of a refugee hosting area is increased by refugees, crime may also rise proportionately. This trend may be amplified if the national legislation of the host country is particularly restrictive of refugee rights. It follows that there will be a need for quantitative increase in services related to law enforcement, including police, the judiciary and prisons.

Key Points:³⁵

1. The host State is primarily responsible to protect refugees and ensure the civilian and humanitarian nature of asylum, which includes the disarmament of armed elements and the identification, separation and internment of combatants. The international community should promote the political will and, where necessary, support the capacity of the host State to fulfil its responsibilities in this regard.
2. The disarmament of armed elements and the identification, separation and internment of combatants is a vital component of a comprehensive approach to ensuring refugee security within camps, settlements and the surrounding communities.
3. Factors affecting how soon identification and separation may occur include the host State willingness to act; international community willingness to assist; the involvement of refugee, local, traditional and community leaders; and willingness of armed elements and combatants to self-identify, disarm and separate.
4. Disarmament, identification and separation methods and procedures should, to the extent possible, be transparent. Benefits to transparency include increased possibility that combatants will self-identify, reducing security risks and building good will in the refugee camp or settlement.
5. There must be clear, consistent and accessible information to all, including refugees and arrivals, regarding the existence of special measures for combatants.
6. Conditions of internment, at a minimum, must comply with the treatment of prisoners of war in the *Third Geneva Convention of 1949*. The national law of the host State and human rights law may offer additional protections. There should also be a review process to challenge the designation of combatant.

UNHCR efforts to enhance the physical security of refugees will have limited impact if the country of asylum is an unwilling participant. If a host state is unwilling or unable to fulfil its international obligations, other remedies may have to be considered beyond mere constructive diplomacy. The Ladder of Options conceptual framework and international resolve surrounding the protection of civilians in armed conflict both suggest the option of independent international response in such a situation. Ideally, however, host States are an engaged and effective partner in ensuring the civilian and humanitarian character of asylum in their country.

³⁵ From, *Maintaining the Civilian and Humanitarian Character of Asylum: Conclusions and Preliminary Issues Raised*, Roundtable meeting, Geneva, 9 – 11 June 2004.

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Good Practices

Camp Security and Maintaining the Civilian and Humanitarian Character of Asylum

Neighbourhood Watch - Ghana

Demonstrates the role refugees, including refugee women, can play to improve their own security and the kinds of training and support provided by the Ghanaian police and UNHCR.

Security Capacity-building – Guinea

Uniquely uses outside professional personnel – two Royal Canadian Mounted Police – to conduct capacity-building activities with national and refugee security elements.

Tanzania Security Package

An early model for enhancing the engagement of national security personnel in refugee camp protection and the use of UNHCR resources to facilitate such engagement.

Separation and Internment of Ex-Combatants – Sierra Leone

Involves broad partnerships for the separation, internment and care of ex-combatants as well as the reintegration of former child soldiers and, hence, provides some guidance on these difficult issues.

Location: Buduburam Refugee Camp, Ghana

Protection Concern Addressed: *Camp Security / SGBV*

Goal: Enhance the physical security of refugees.

Partners: UNHCR, refugee community and Ghana Police Service

Objectives:

1. Decrease incidence of crime in the Buduburam refugee camp;
2. Increase the refugees' sense of security in the camp;
3. Involve refugees in providing their own security; and
4. Work with and complement the capacity of the Ghanaian Police Services' personnel responsible for camp security.

Implementation Strategy:

The Neighbourhood Watch was initiated by the refugee community. The security situation in Buduburam settlement was frail and the number of police personnel limited so the refugees volunteered to patrol the settlement at night to enhance their own security. To support the initiative and to limit the inherent danger of abuse of power by the volunteers, UNHCR:

- Requested the Ghanaian police to screen volunteers. The police interviewed the volunteers to exclude those with criminal records and those with inadequate profile.
- Assisted the Neighbourhood Watch to draft Statutes together with the camp management and the police. The Statutes contain:
 - A code of conduct
 - Aims of the team, responsibilities of team members and a system of checks and balances;
 - Internal organizational structure of the team;
 - Responsibility for equipment and tools conferred to the team;
 - Provisions on female participation; and,
 - Reporting mechanisms and procedures.
- Trained the Neighbourhood Watch members on the above Statute, prevention and response to SGBV and First Aid.
- Supported creation of a female wing and encouraged enrolment of female members.
- Equipped the Neighbourhood Watch teams with uniforms, boots, whistles, bicycles, walkie-talkies, first aid kits etc.).
- Provided free medical assistance for assignment related injuries and illnesses.
- Monitored and regularly intervened based on need to improve their work (increase of number of volunteers, facilitation of relations with the police, etc.).

Challenges in Implementation:

- Investment of staff time in developing Statutes and training of Neighbourhood Watch.
- Investment of resources for equipping the Neighbourhood Watch teams.

Results to Date:

- Security in the camp has been greatly enhanced.
- Support for a refugee-driven initiative facilitates their involvement, recognizes their contributions, and their ideas for self-help.
- New arrivals coming at night do not disturb the public order in the camp.
- Enhanced female participation in security; recognition of female-specific security concerns.
- Rate of common crime has drastically diminished.
- Presence and cooperation of the Neighbourhood Watch with the national police has improved the confidence between the refugee population and the police force.

Location: All refugee camps in Guinea

Cross-References: *Camp Security / SGBV*

Goal: Enhance the security of refugees in Guinea through capacity-building of national (Guinean Mixed Brigade – police and gendarmes) and refugee security elements.

Partners: Royal Canadian Mounted Police, UNHCR, Guinean Mixed Brigade, Refugee Security Volunteers

Objectives:

1. Develop partnership with Royal Canadian Mounted Police for security expert deployments to Guinea with the support of Canadian Government;
2. Assess current security concerns and response capacity in Guinea;
3. Plan, develop and implement a structured training programme for both Guinean Mixed Brigade officers and Refugee Security Volunteers;
4. Develop standard instructions and a Code of Conduct for Brigade Officers and Refugee Security Volunteers;
5. Develop a standardized incident reporting system; and
6. Provide overall refugee security management, oversight and technical assistance to the Mixed Brigade and Brigade counterparts.

Implementation Strategy:

1. Formalize agreement between Royal Canadian Mounted Police and UNHCR.
2. Develop terms of reference for two positions – Refugee Security Liaison Officer and Refugee Security Training Officer.
3. Recruit and deploy the two experts on mission for one year ensuring appropriate language skills and international experience.
4. Assess current security concerns in the refugee camps and security response capacity of both the Guinean Mixed Brigade and the Refugee Security Volunteers.
5. Design and implement training programmes for both the Mixed Brigade and the Refugee Security Volunteers inclusion of: international protection and human rights, SGBV, gender-awareness, conflict resolution, security-management systems, policing techniques, and community policing strategies.
6. Design and implement standard incident reporting procedures and forms.
7. Develop standard instructions and Code of Conduct for Mixed Brigade and Refugee Security Volunteers.
8. Provide on-going technical assistance to security personnel to strengthen capacity.
9. Evaluate programme effectiveness halfway through the one-year pilot.

Challenges in Implementation:

- Canadian police officers based in Kissidougou, making nationwide coverage difficult.
- Confusion within UNHCR office of Canadian police officers' status within UNHCR.
- Security personnel equipment not procured promptly by Government in Conakry.
- One year time frame too short given serious security problems (later extended for a second year).

Results to Date:

- The camps covered by the security deployments more secure, calm and stable as compared to camps not covered near N'zerekore.
- Broader awareness of roles, responsibilities and day-to-day mechanisms in refugee camp security management.

Location: Burundian refugee camps in north-western Tanzania

Cross-References: *Camp Security / Maintaining Civilian and Humanitarian Character of Asylum / SGBV*

Goal: Maintain law and order in and around the refugee camps in north-western Tanzania and secure the physical safety of refugees.

Partners: Ministry of Home Affairs, Tanzanian police, UNHCR, refugee security volunteers (*sungu-sungus*)

Objectives:

1. Improve security in and around the Burundian refugee camps through the more active engagement of the Tanzanian police;
2. Develop a Memorandum of Understanding ('MoU') between UNHCR and the Ministry of Home Affairs on roles and responsibilities for the establishment of a 'security package';
3. Support the increased deployment of Tanzanian police in and around the refugee camps in north-western Tanzania; and
4. Maintain the civilian and humanitarian character of the refugee camps through the separation and internment of former combatants.

Implementation Strategy:

Following a series of fact-finding missions and consultations and the visit of the High Commissioner to Tanzania in February 1998, UNHCR and the Tanzanian Government agreed on a series of measures to enhance the protection of refugees and preserve the civilian and humanitarian character of the refugee camps by reinforcing security in and around the camps. It was envisaged that increased camp security would also benefit Tanzanians in refugee-affected areas. The MoU arrangements are also intended to reduce the number of SGBV incidents affecting refugees in and around the camps.

The program was established after several meetings in the refugee camps, the Tanzanian villages around the camps and government authorities at all levels. Under the MoU, the Government provides police to reduce insecurity and criminality and safeguard the civilian and humanitarian character of the refugee camps. Preserving the civilian and humanitarian character of the refugee camps also underlines the commitment of all parties to ensure that the grant of asylum to refugees cannot be construed as an unfriendly act against any neighbouring country.

Practical implementation measures included:

- Incentives and resource support for police assigned to work on the 'security package' (allowances, vehicles and communication equipment).
- Development and implementation of a pre-deployment, orientation training workshop for police deployed to work on the security package.
- Establishment of a separation facility for persons whose activities compromise the civilian and humanitarian character of the camps.

- Establishment of chains of command from *sungu-sungus* (refugee security volunteers) to Tanzanian police to UNHCR Field Safety Advisors.
- Appointment of UNHCR Field Safety Advisors as focal points for other actors, with a fulltime monitoring role.
- Ensuring the presence and participation of female police officers.

Challenges in Implementation:

- The 'Package' continues to raise expectations and demands from the Government, for example, for increasing in the daily subsistence allowance to police and the quantity of fuel provided.
- The Package is heavily weighted towards the police (in lieu of other actors) although there is overwhelming recognition that the *sungu-sungus* play a major role in maintaining camp security.
- Field Safety Advisors must be present and responsible for implementing and monitoring the Package.
- Pre-deployment training for police officers has been weak – more intensive training pre-assignment is needed.
- The Package creates dependency amongst under-funded local structures in a country without the adequate resources to compensate personnel fairly.
- Female officer participation and gender balance on the police force, has been difficult.
- There were reports of policemen on the Package sexually exploiting refugees. To address this problem, all the police officers in the Package received training on SGBV and sexual exploitation, are now required to wear nametags for easy identification and a photo registry was put in place with the photos of all police officers and accessible to the refugees for identification purposes.
- Language barrier remains between local police and the refugees.

Results to Date:

- The Package is preserving law and order in and around the camps.
- The Package has introduced local police officers to the principles of refugee protection and community policing.
- The Package has improved police morale and operational effectiveness.
- The presence of police has limited the overt politicization and militarization of the camps.
- The security of humanitarian personnel has been reinforced.
- Relations between UNHCR and the Tanzanian authorities have been enhanced.
- The number of female police officers working on the security package has increased to 40 (out of 287 officers involved).
- **Separation of Armed Elements.** Tanzanian authorities identify persons who do not respect the civilian and humanitarian character of the refugee camps and separate them from civilian refugees. This reduces military or para-military activities in the camps.
- **Reduction in SGBV.** SGBV cases handled with due regard to confidentiality, sensitivity and dignity of the survivors. Female police officers are posted in each camp to enhance police effectiveness in issues affecting refugee women, including SGBV.
- Increased security in and around the refugee camps improves the physical security of refugees, local populations and humanitarian staff. Property and the physical infrastructure supporting refugee operations are better protected against crime and public disturbances.

Cross-References: *Camp Security / Maintaining Civilian and Humanitarian Character of Asylum / SGBV*

Goal: Preserve the civilian and humanitarian character of asylum; enhance security of refugee camps.

Partners: Office of National Security, Police, Army, President's Office, National Commission for Social Action, National Commission for Disarmament, Demobilization and Reintegration, Prisons Department, UNAMSIL (UN Security Force in Sierra Leone), OCHA, UNHCR and ICRC.

Objectives:

1. Develop a strategy to separate ex-combatants entering Sierra Leone from Liberia;
2. Engage the government and the ICRC in this challenge;
3. Establish an inter-agency task force to develop and implement mechanisms for the separation and internment of ex-combatants;
4. Identify and rehabilitate former child soldiers; and
5. Establish a separate internment camp for ex-combatants.

Implementation Strategy:

- In close consultation with ICRC, UNHCR helped persuade the Sierra Leone Government Office of National Security (ONS) and the Police to call for a high level workshop of concerned agencies (Police, Army, ONS, President's Office, National Commission for Social Action, National Commission for Disarmament, Demobilization and Reintegration, Prisons Department, UNAMSIL, UNHCR, OCHA and ICRC) to strategise on ex-combatants including aspects of disarmament, demobilization, internment, refugee status determination, and *non-refoulement*.
- The workshop recommended to the National Security Council that an internment facility for ex-combatants be set up in a secure site away from the Liberian border.
- The Office of the President's resolution of 25 June 2002 made the following commitments:
 - i. The Sierra Leone Government authorities shall disarm, register and humanely treat Liberian ex-combatants immediately on turning themselves over to the Sierra Leone authorities.
 - ii. The ex-combatants will be segregated from other refugees and transported to a camp away from the border.
 - iii. The camp will be the responsibility of the Ministry of Internal Affairs assisted as appropriate by the Armed Forces of Sierra Leone and other agencies.
 - iv. Liberian ex-combatants will not be allowed to live in the camp with dependants.
 - v. Liberian Government officials wishing to visit the camp shall be allowed to do so after giving due notification to the Government of Sierra Leone.
- The agencies represented at the initial workshop were designated in June 2002 by the Office of the President as a 'Task Force on Internment' with the objective of fast-tracking the designing, setting up and supervision of an internment camp for Liberian ex-combatants. Other agencies have since joined the Task Force - e.g. WFP, in view of food pipeline responsibilities it has assumed for the facility.
- The Task Force has met every other week to supervise the internment camp and discuss more general issues relating to Liberian ex-combatants and preservation of the civilian character of asylum. It has been excellent model for inter-agency work.

- UNHCR's role on the Internment Task Force is to provide guidance on refugee law and relevant human rights law concerning the treatment of internees and eligibility for refugee status. Also, as former child soldiers are regarded as *prima facie* refugees in need of accelerated reintegration, UNHCR is the lead agency on this issue in the Internment Task Force. UNHCR also has responsibility for internees' civilian family members, who have the status of refugees, and therefore represents their interests.
- Internment camp at Mapeh was constructed and operational by 21 October 2003, with basic services provided: three meals per day, non-food items and health care.
- Civilian family members of ex-combatants are treated as refugees and are accommodated in refugee camps. ICRC in collaboration with UNHCR arranges family visits from camps and communities to the internment camp.
- An accelerated reintegration procedure for child ex-combatants was set up by UNHCR, UNICEF and child protection implementing partner NGOs, with the authorisation of the Internment Task Force. This involved relocating former child soldiers to refugee camps, after a transit period at an interim care centre.
- Former child soldiers are provided with shelters for independent living, monitoring by 'big brothers' in the refugee community, and access to primary education, with refugee communities aware of importance of acceptance of child ex-combatants.
- Security screening is conducted by the police at main entry points to ensure the civilian character of Liberians crossing into Sierra Leone and refugee relocation convoys. If combatants are identified, they are not *refouled* but rather are transported to the Mapeh internment camp, in accordance with the Government's obligations under international human rights and humanitarian law.
- An MoU with Police in February 2003, to provide security screening at borders, for refugee convoys and for urban refugee registration; police deployments in camps and host communities; and cooperation with the internment camp in terms of demobilized persons seeking asylum. UNHCR and UNDP constructed police posts.

Challenges in Implementation:

- Resources for implementation especially for services at the internment camp.
- Lack of vocational skills, income generation and alternative education programmes for both former child soldiers and for ex-combatants.
- Lack of commitment and deployment of RSD personnel with experience in applying exclusion clauses for ex-combatants indefinitely delayed RSD.
- Two years after the first inmates arrived in Mapeh, not a single Liberian (ex-) combatant has either been released or repatriated.
- Lack of long term durable solutions for ex-combatants, with repatriation and local integration are not viable options and resettlement countries reluctant to accept.

Results to Date:

- Hundreds of ex-combatants separated at border crossings and interned at Mapeh.
- Refugee camps generally maintained their civilian and humanitarian character.
- Effective partnership established between Government of Sierra Leone and UNHCR.
- Accelerated safe reintegration of child soldiers in refugee camps, with appropriate rehabilitation support.

3

Freedom of movement and the detention of refugees

France / Asylum-seekers from various countries / Sangatte Red Cross Centre, near Calais/ UNHCR / H.J. Davies / November 2002



There are various dimensions of ‘movement’ with respect to refugees:

- First, the international movement of the **actual flight from persecution** that is fundamental to the international refugee protection system.³⁶ This initial movement of refugees is further complicated when the conditions of flight result in **illegal entry** or presence in the country of asylum. Article 31 of the 1951 Refugee Convention exempts refugees from penalties for illegal presence or entry when ‘coming directly’ from a territory where their life or freedom was threatened, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
- Second, there is the ‘freedom of movement’³⁷ that applies **within a country of asylum**.³⁸ Article 26 of the 1951 Refugee Convention provides a general freedom of movement while also acknowledging certain permissible restrictions.
- Third, refugee movements include the **right to return** to one’s own country, also firmly established in international human rights law.³⁹

These various aspects are closely linked. This chapter focuses on the first and second types of movements, including as addressed in the 1951 Refugee Convention, as well as the obstacles commonly encountered.

A. Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.⁴⁰

Although refugees have a distinct status in international law, restrictions on their freedom of movement and residence are also evaluated under more general human rights standards. In principle, restrictions on freedom of movement (whether of citizens or of refugees) are subject to justification by national authorities. In situations of mass influx, restrictions on the movement and residence of refugees in reception areas may be appropriate as part of a system to humanely managing the influx, to facilitate the maintenance of the humanitarian character of refugee camps or as a preventative security measure to keep refugees away from dangerous conflict in border areas.

Freedom of Movement: Refugees lawfully in a country should, in principle, be free to choose where they live and to move freely within their country of asylum. Restrictions on the right to move freely in the territory, such as into or out of certain areas or camps, should only be imposed when this is clearly in the interests of refugee security or overall national security.⁴¹

³⁶ The Universal Declaration of Human Rights, Article 14 (1), ‘Everyone has the right to seek and to enjoy in other countries asylum from persecution.’

³⁷ *Ibid.*, Article 13 (1). ‘Everyone has the right to freedom of movement and residence within the borders of each State.’

³⁸ See also, International Covenant on Civil and Political Rights, Art. 12.

³⁹ The Universal Declaration of Human Rights Article 13.2, ‘Everyone has the right to leave any country, including his own and to return to his country’.

⁴⁰ 1951 Refugee Convention, Art. 26.

⁴¹ Note on International Protection, UNHCR Executive Committee, 52nd Session, 13 September 2001.

In times of crisis, the grant of asylum to large numbers of *prima facie* refugees is often premised on their confinement to camps. Such measures, which are imperfect and not in conformity with the rights enshrined in the refugee instruments, are compromises seeking to balance emergency refugee needs and host State concerns.⁴² These compromises should be temporary. By contrast, freedom of movement of refugees within the country of asylum and in and out of the refugee camps provides a more normalized environment for refugees, provides opportunities for interaction with the host community, and allows for access to income-generation activities, including employment, land, and markets. Genuine freedom of movement also enables refugees to travel to education or health facilities located outside camps.

Challenges

The ideal of refugees and asylum-seekers moving freely and staying where and as they choose is seldom realized. **Governments want to maintain control** over who comes into their countries and where they stay. Governments want to **establish the identities and the reasons for entry**. Governments may attempt a policy of ‘no services’ except to refugees in designated closed camps to inhibit refugee settlement in urban areas.

When refugees are restricted to camps without access to markets and land, self-sufficiency is often **all but impossible to attain**. The denial of the right to work can result in a **breakdown of normal family life**, with parents unable to earn resources to care for their children or pass on to them work skills for later life. Governments and host communities, however, may have legitimate concerns about their own security and about protecting the environment, fearing deforestation, the over-grazing of their pasture lands, and the use of their often limited water supplies.

B. The detention of refugees and related restrictive measures

States more concertedly to explore appropriate alternatives to the detention of asylum-seekers and refugees and to abstain, in principle, from detaining children.⁴³

Detention in the context of refugee camps can refer to:

- arrest and detention at points of entry into the country, prior to refugees accessing the camps;
- arrest and detention when leaving closed camps without permission;
- the often detention-like conditions of closed camps (*de facto* detention); and
- detention within camps for criminal offenders (camp jails).

⁴² UNHCR, *Protracted Refugee Situations*, a paper presented at the 30th Meeting of the UNHCR Standing Committee, UNHCR, EC/54/SC/CPR.14, 10 June 2004.

⁴³ *Agenda for Protection*, Goal 1, Objective 9, Point 4.

Detention: Confinement within a narrowly bounded or restricted location, including prisons, closed camps, detention facilities or airport transit zones where freedom of movement is substantially curtailed, and the only opportunity to leave this limited area is to leave the territory.⁴⁴ It is a serious restriction on freedom of movement, usually through enforced confinement, which, in UNHCR's view, should not normally be used as a measure to control asylum-seekers.

Confinement inside of camps severely restricts the movement of refugees, negatively impacts their well-being and can be inconsistent with established human rights standards. It may even amount to a form of detention. Host government-imposed administrative rules may forbid refugees from leaving the camps without permission – permission that may be fairly easy or near impossible to attain. Under such practices, refugees who leave the camps without permission may be subject to arrest, detention and, at times, deportation.

In practice, asylum-seekers are too often detained only because of their 'illegal' entry or presence and are often held together with persons detained as common criminals. UNHCR emphasizes the need of States to fully respect the provision of Article 31.1 of the 1951 Refugee Convention and more generally takes the position that detention of asylum-seekers should normally be avoided.

Detention may be resorted to only:

- on grounds prescribed by law to verify identity;
- to determine the elements on which the claim to refugee status or asylum is based;
- where refugees/asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the asylum States; or,
- to protect national security or public order.

Further, **UNHCR guidance** urges States to:

- protect refugees and asylum-seekers from unjustified or unduly prolonged detention;
- resort to such detention, if used, only for a minimum period, with full consideration given to all possible alternatives;
- subject such detention to judicial and administrative review;
- ensure that detained refugees/asylum-seekers have the right to be informed of the reasons for their detention and of their corresponding rights in a language and in terms which they understand;
- ensure that the conditions of detention, when it is practiced, are humane;
- provide access to legal assistance; and,
- provide detainees with the opportunity to contact the Office of the United Nations High Commissioner for Refugees, or in their absence, available national refugee assistance agencies.⁴⁵

⁴⁴ UNHCR, *Guidelines on the Detention of Asylum-seekers*, Geneva: 1999, p. Guideline 1.

⁴⁵ UNHCR Executive Committee Conclusion No. 44, Detention of Refugees and Asylum-Seekers, 13 October 1986.

Detention that is automatic and without access to judicial review, indefinite or in inadequate conditions that are inadequate is *not* in line with international standards.⁴⁶ Minor asylum-seekers or refugees should not be detained.⁴⁷ Where possible, they should be released to the care of relatives already in the country of asylum. Where this is not possible, alternative care arrangements, such as foster or residential care, should be considered.

Challenges

Some governments use **arbitrary detention** to confine asylum-seekers who have arrived spontaneously until their asylum requests can be registered and heard. Such detention can be lengthy, indefinite and punitive in nature. At times, **asylum-seekers may be inter-mingled with the larger criminal population**. Women may be detained with or in close proximity to men. Children may be detained. There may be limited or **no access to legal counsel** or UNHCR.

Advocacy to ensure that specific groups are separated for their protection may then result in additional protection concerns such as **isolating single females** or **older persons** from the **protective presence of their families**.

While detention and restrictions on the freedom of movement affect broad groups of refugees and asylum-seekers, it also impacts refugees in camp contexts. First, the **detention of asylum-seekers often prohibits or delays refugees in accessing camps**. At other times, they are **arrested and detained when they leave the refugee camps** in order to access markets, seek employment, collect firewood, or pasture livestock. They may also be **detained in jails within camps** following arrest for crimes alleged.

Conclusion

Working within the confines of a restrictive host country policy can be frustrating. A rights-based approach requires the regular review of the need to maintain camp arrangements, whether open or closed, and an analysis of whether other integrative measures might be possible to achieve full observance of the human rights of refugees.

UNHCR, when negotiating camp arrangements and sites with governments, should promote camp policy, design, location and operation such that residence in the camp does not amount to detention.

⁴⁶ *Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Claims*, Global Consultations on International Protection, 3rd Meeting, EC/GC/01/17, UNHCR, 4 September 2001.

⁴⁷ See also, Article 37 of the *Convention on the Rights of the Child*.

Working within the confines and restrictions of host country policy, UNHCR and NGO programmes and activities have successfully:

- convinced host country security personnel to expand the geographic limits of movement in a 'closed' environment;
- negotiated for fairer and more transparent camp pass systems allowing refugees to travel outside the camps;
- established mechanisms to identify persons of concern in detention;
- set up monitoring and assistance mechanisms inside detention centres including counselling and legal aid;
- negotiated agreements with authorities to screen and 'rescue' persons of concern facing imminent deportation;
- ensured separate detention conditions for women and children; and
- identified and implemented alternatives to in-camp detention for minor criminal offenders using, for example, community service work in lieu of incarceration.

In principle, refugee reception and camp arrangements are mutually beneficial where they are premised on the understanding that many refugees can realise self-reliance at a diminished cost to the host country and international donors. Ideally, refugee camps progressively become places of elective rather than mandatory residence and camps transform into more regular settlements for those who chose not to voluntarily repatriate.

Checklist

Freedom of movement and detention of persons of concern

I. In emergencies

- ✓ Identify local government interlocutors on freedom of movement/ detention issues.
- ✓ Become familiar with government policy and law on freedom of movement for persons of concern.
- ✓ Identify the impact of restrictions on freedom of movement on other rights of persons of concern.
- ✓ Work with local authorities to put fair, transparent camp pass mechanisms in place.
- ✓ Advocate for lifting of restrictions on freedom of movement that may exist.
- ✓ Identify alternatives to detention for petty crimes.
- ✓ Monitor detention facilities and work to reduce arbitrary and lengthy detention practices.
- ✓ Speak regularly with women, girls, men and boys of concern to identify the different protection risks they face due to restrictions on their movement and to understand how they try to overcome such challenges.
- ✓ If it is not possible to secure the release of the person, advocate for adequate conditions in particular the separation of women and children from men, unless a verified family unit.

II. In stable situations

- ✓ Continue to advocate for ever-more progressive freedom of movement policies with the host country government.
- ✓ Establish mechanisms for systematising detention monitoring.
- ✓ Develop partnerships with NGOs for service provision in detention facilities.
- ✓ Work with host country government to develop national refugee law, if such does not yet exist.

Freedom of Movement, including Detention Issues

Guidelines

- *Agenda for Protection*, Third Edition, Geneva: UNHCR, October 2003
- UNHCR, *Revised Guidelines on Application Criteria and Standards Relating to the Detention of Asylum-seekers*, UNHCR/IOM/22/99/Rev. 1, UNHCR/FOM/22/99/Rev.1, Geneva: February 1999.
- UNHCR, *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, Geneva: Department of International Protection, July 2002.
- UNHCR, Executive Committee Conclusion 22. *Protection of Asylum-seekers in Situations of Large Scale Influx*, Geneva: 1981.
- UNHCR, Executive Committee Conclusion 44, *Detention of Refugees and Asylum-seekers*, Geneva: 13 October 1986.
- UNHCR, *Handbook for Emergencies*, 2nd Edition, Geneva: June 2000.
- UNHCR, *Handbook on Strengthening Protection Capacities in Host Countries*, draft, Geneva: 2004.
- UNHCR and NGO partners, *Protecting Refugees: A Field Guide for NGOs*, Geneva: May 1999.

Other helpful references

- Beyani, C., *Human Rights Standards and the Movement of People within States*, Oxford: Oxford University Press, 2000.

Good Practices

Freedom of Movement, including Detention Issues

Christian Initiative for Refugees in Prison – Zambia

Demonstrates the role a coalition of NGOs can play in reducing refugees' stay in detention, advocating for a more receptive host environment, and facilitating the dissemination of accurate information of the country of origin in preparation for repatriation.

Standard Operating Procedures (SOPs) for Cases in Detention – Turkmenistan

Shows how standardizing intervention and response practices vis-à-vis detained refugees can facilitate release, prevent *refoulement*, and address the issue of detention of persons with specific needs in a timely, efficient manner.

Detention and Deportation: Practices to Intervene – Thailand

Builds a partnership between UNHCR and multiple NGOs and includes a daily presence in the main detention facility in Bangkok. While government policies restrict freedom of movement and utilize detention for new asylum-seekers and those who have travelled outside the camps, the Thailand practice intervenes to facilitate release, prevent deportations, and provides a range of services for those detained.

Police Training Project – Turkey

While not a camp-based practice, the new training project demonstrates the role NGOs can play in supporting UNHCR's protection mandate and recognizes the key role that police, immigration and border authorities play in refugee protection and asylum. The programme involves training and protection and includes a rights-based approach and evaluation mechanisms.

Location: Lusaka, Zambia

Cross-References: *Detention / Freedom of Movement / Information Dissemination / Protection Monitoring*

Goal:

- Advocate for freedom of movement of refugees and intervene on behalf of refugees and asylum-seekers detained without criminal charges.
- Encourage local civic society organizations to enter the refugee field to counter xenophobia.

Partners: Jesuit Refugee Services (JRS), Catholic Relief Services (CRS), the Catholic Church, including the Archdiocese of Lusaka, and the refugee community.

Objectives:

1. Support local churches and community groups in their activities against xenophobia for the promotion of hospitality toward refugees and asylum-seekers.
2. Continue the regular casework of the Christian Initiative for Refugees in Prison (CIRP) in Lusaka and other places in Zambia to reduce the period of stay in prison of refugees and asylum-seekers detained without criminal charges.
3. Promote changes in current refugee legislation, and provide analysis of any Government bills affecting refugees, in order to promote local integration of refugees.
4. Offer refugees and asylum-seekers accurate information, counselling about their rights, opportunities and duties in Zambia.
5. Expand and strengthen a national network of information-advocacy on refugee issues.

Background:

JRS is the only refugee-specialised NGO with a programme of this kind in Zambia. The CIRP is the only programme aimed at reducing the stay in prison of refugees and asylum-seekers detained without criminal charges. The need was identified when JRS received reports of prolonged detention of refugees and asylum-seekers without criminal charges. Continued xenophobic comments and harassment of refugees by government officials and the public, including as reported in the daily media, confirmed the need for an advocacy programme.

Implementation Strategy:

- The Archdiocese of Lusaka established a joint program to advocate in favour of refugees detained without criminal charges.
- CRS started a joint program to train local church and community officers in refugee-affected areas.
- The CIRP works directly with refugees and asylum-seekers in prison and those outside prison to ensure that detainees are released in the shortest time possible.
- JRS provides local NGOs with information, training, advice, coordination and accompaniment in their work with refugees and asylum-seekers.

Challenges in Implementation

- Lack of cooperation from some government officials
- Limited financial resources.

Results to Date:

- The advocacy has extended to a broader policy action involving more than 12 organizations.
- In 2001, 11 workshops were presented in key locations of the Copperbelt and the West of Zambia. In 2002, 13 workshops were conducted in Northern, Luapula, Western, and North-Western Provinces.
- The first edition of the *Guide for Refugees* in Lusaka was published. Translations into French and Swahili have appeared since then. The *Guide for Refugees* in Meheba was issued in 2002 in English and Portuguese.
- Since November 2000, the first bi-monthly and now quarterly, 'Press Review on Refugee Issues in Zambia' has been regularly distributed to 250 church officers all over Zambia. The 15th issue appeared in March 2003.
- The three main church bodies in Zambia (Episcopal Conference, Christian Council, and Evangelical Fellowship) agreed to form a joint task force on refugee matters. The task force together with JRS held a meeting with the Chief Immigration officer to express concern on prohibitive requirements for refugees to acquire self-employment permits.
- Angolan refugees in Meheba Settlement were surveyed to determine their views toward repatriation. Over 90% of those surveyed responded positively to the question – 'Do you wish to repatriate?', regardless of the time they had spent in Zambia. To prepare for repatriation, in June 2002, JRS began transmitting via email news articles in Portuguese and English concerning conditions in Angola. These were posted by JRS Teams in Meheba and Nangweshi on bulletin boards throughout the camps. In August 2002, at the request of JRS Namibia, the articles were emailed to them for posting at Osire camp. They were also sent to JRS Angola in Luanda, Luena, and Cazombo.

Cross-References: *Detention / Freedom of Movement*

Goal: Standardize UNHCR response for detained refugees and asylum-seekers in order to increase the effectivity of protection

Partners: Not applicable

Objectives:

1. Develop standardized UNHCR response for dealing with cases in detention;
2. More effectively respond to persons of concern being detained; and
3. Secure the release of detained refugees and asylum-seekers and discourage new detentions by Government agencies.

Implementation Strategy:

1. Access to Detainee and Liaison with the Government:

- The staff member who receives information about the detention of a refugee or asylum-seeker must try to get as much detail as possible particularly for the questions: Where? When? Why? Under what conditions? Are there special concerns? Contact details of the person who provided the information? The staff member also identifies the reasons for detention and pass on this information immediately to the Protection Officer or to the Chief of Mission.
- The Protection Unit seeks access to the person immediately by intervening with the appropriate authorities and cautioning them not to deport or *refoule* the person until UNHCR has access and an opportunity to assess the asylum claim. If the access to an asylum-seeker or refugee is not given within 72 hours of UNHCR's request and, in the assessment of the Protection, there is a possibility of deportation or *refoulement*, the Chief of Mission writes to officials at higher level repeating the request for access.
- During the interview, the interviewer insists on doing the interview in private. The interviewer carries appropriate identification card and introduces self to the detainee as UNHCR staff.
- All such interviews are conducted with the help of an interpreter where necessary.
- UNHCR assessment and recommendations are done on the same or next day.
- Protection Unit negotiates with the appropriate authorities for immediate release of the person if found to be a person of concern. If there are no exceptional circumstances that warrant detention such as national security, authorities are encouraged to explore alternatives to detention.
- While person is in detention, the Protection Unit shall ensure, by intervening with the authorities concerned, that individual is provided interpreter services, allowed to contact UNHCR and/or NGOs or legal counsel, given medical assistance if needed, and allowed to pray according to personal religious beliefs.

2. After Release:

- If released, individual is referred to a community worker or counsellor and to a health worker for assessing his/her medical and psychological condition.
- Individual is briefed on his rights and duties as an asylum-seeker or refugee.
- In case of conditional release, the Protection Unit counsels the person to follow the conditions for his/her release.

- If one of the conditions of release is resettling the person to a third country, the Protection Unit shall negotiate for at least a one month time period and then prepare the RRF (Resettlement Referral Form) and submit it to the Emergency Resettlement Section at UNHCR - Geneva within a week of such request.

3. Special Concerns:

The Protection Unit staff must always keep in mind the special concerns of single women, unaccompanied minors, older persons, and persons with disabilities.

Challenges in Implementation:

- Not always notified when a person of concern is detained
- Authorities not always responsive or supportive of UNHCR's attempts to intervene

Results to Date:

- Standardized response to the detention of persons of concern developed and used.
- More rapid response time by UNHCR staff.
- More persons of concern released in a timely fashion as a result of UNHCR's interventions.
- Persons with specific needs are less likely to be detained.
- Fewer persons of concern *refouled*.

Cross-References: *Detention / Freedom of Movement / Information Dissemination*

Goal: Prevent the detention and deportation of refugees and to facilitate the release of refugees and asylum-seekers detained.

Partners: Jesuit Refugee Services (JRS), Catholic Office for Emergencies and Refugee Relief (COERR), the National Catholic Migration Commission, UNHCR, and the International Organization for Migration (IOM).

Objectives:

1. Intervene prior to the detention of refugees (i.e., at the time of their arrest) to prevent detention and subsequent deportation;
2. Monitor detention facilities and ensure that refugees and asylum-seekers have access to UNHCR to make claims for asylum;
3. Post bail, when possible, to secure the release of detained refugees;
4. Secure the release of detained refugee/asylum-seeker children and provide them with appropriate alternative care; and
5. Ensure a range of medical, counselling, and return assistance services are available to detained refugees and asylum-seekers.

Implementation Strategy:

- Established a 24-hour hotline for asylum-seekers and refugees facing arrest / detention. National eligibility officers take turns staffing the hotline and negotiate with police to secure the release of arrested individuals prior to their detention.
- Maintain daily UNHCR presence in the Immigration Detention Centre (IDC) in Bangkok. Two national staff of UNHCR are stationed permanently in the IDC. A legal officer of Bangkok Refugee Centre (BRC), an implementing partner of UNHCR, also monitors the airport and other detention/prison facilities where asylum-seekers and refugees are detained. These staff regularly receive asylum applications and provide counselling to asylum-seekers and refugees.
- Review lists of persons to be deported to ensure that no persons of concern are included. When UNHCR persons of concern are included, UNHCR intervenes with the authorities in an attempt to have them removed from the deportation process.
- Post bail for refugees to secure their release from detention.
- Identify implementing partner to provide alternative care for detained children.
- JRS provides appropriate health care to detained asylum-seekers and refugees.
- Through NGO partners, seek to remove any barriers to return to country of origin or neighbouring countries through various return assistance services, especially for long-stayers in detention.

Challenges in Implementation:

- The Thai government is not a signatory to the *1951 Refugee Convention* and with the exception of Myanmar refugees in the camps, considers refugees and asylum-seekers as illegal migrants, restricts their freedom of movement, detains those found outside the camps, and regularly deports them back to their countries of origin

- The Thai authorities only consider bail requests for refugees who have been submitted by UNHCR for third country resettlement. The government does not permit UNHCR to post bail for persons originating from border countries (Myanmar, Laos, and Cambodia).
- Reluctance of immigration/police officials to approve UNHCR's bail requests.
- UNHCR Refugee Certificates are often ignored by the Thai authorities when detaining and deporting Myanmar refugees found outside the camps.
- To adequately provide for themselves and supplement their rations, refugees must leave the camps to work as day labourers thereby risking arrest, detention, and deportation.

Results to Date:

- During 2003, UNHCR intervened in approximately 450 – 500 cases of arrest with some 60 – 70% of these interventions successfully resulting in release prior to formal detention.
- Secured the release of a number of detained children and placed with an implementing partner for alternative care arrangements.
- When appropriate, long-stayers in detention are referred for third country resettlement. At other times, they are counselled on voluntary repatriation and assisted with return to country of origin.
- UNHCR field officers successfully intervened with immigration authorities in border provinces to prevent actual deportation of refugees who had been detained after being caught outside the camps.
- Through posting bail, UNHCR secured the release of a small number of refugees.
- Implementing and operational partners provided health care, counselling, and hygiene kits to detainees as well as assistance with return to country of origin, when requested.
- Good working relationships and collaboration established with partner organizations to complement and provide a range of services to detainees.

Cross-References: *Administration of Justice / SGBV*

Goal: Bring the Turkish asylum system towards EU and international best practice.

Partners: International Catholic Migration Commission (ICMC) with the Department of Foreigners, Border and Asylum (DFBA) of the Turkish National Police (TNP) under Ministry of Interior (MoI).

Objectives

The project aims to improve the capacity of local personnel to protect and defend the rights of refugees and asylum-seekers. It addresses human rights advocacy and protection in a preventative rather than merely responsive fashion, recognizing the role of the authorities in protecting rights and giving the police tools to effectively do their job, in line with EU standards. Thus the project aims to ensure the protection of the basic rights of refugees ranging from the right to seek asylum and the right of non-*refoulement*, while also including general human rights.

Implementation Strategy

ICMC developed this project using the direct experience gained by working with refugees and asylum-seekers. ICMC solicited input from other organizations that deal directly with this population, as well as UNHCR, academicians and relevant officials. Structured discussions are undertaken with refugees and asylum-seekers:

- Through ICMC Turkey's Resettlement and Cultural Orientation Training project staff: with US-bound refugees required to reside in satellite cities and remain under periodical monitoring of DFBA officers; and
- Through ICMC Turkey's Social Services Office and Refugee Children's Social Development and Education Project staff in Istanbul: with irregular migrants and asylum-seekers in Istanbul frequently detained by the DFBA.

The project consists of four activities:

- A beginner's level training on refugee and human rights issues to 100 regular officers who have first contact with refugees;
- A specialized training in asylum practices to 15 higher level police officers;
- Field monitoring visits to observe the effect of the trainings on trainees' operations;
- An interim evaluation meeting, with conclusions of participants, ICMC and MoI shared with the authorities to complement other related efforts.

A. Beginner's Level Training

Four beginner's level workshops train 100 officers from DFBA staff of Ankara, Istanbul, border towns, airports and cities where asylum-seekers and refugees reside, regarding:

- Status determination of refugees and asylum-seekers and case studies;
- Refugee Law and Human Rights Law;
- International standards in refugee issues, introducing practices of other countries;
- Examination of country of origin information available from the EU countries;
- Demonstration of computerised accelerated registration process; and
- Psychological aspect: Interview techniques; dealing with traumatised refugees

B. Specialist Training

Specialist training is provided to 15 higher level officers who have previously received basic training from MoI and UNHCR. These higher level officers potentially form the core of an

independent asylum authority to be established in line with the EU standards. Topics covered by the training include: laws and regulations, principles of international refugee law, EU law, interview techniques, unaccompanied minors, sexually abused women, individuals previously exposed to torture or trauma, and the practical aspects of status determination. The training is also a 'Training of Trainers' (ToT) to enable participants to become trainers within their sections and further disseminate information. The Mol gives an 'expert certificate' to participants at conclusion, intended to discourage the rotation of these trained and specialized officers into other departments of Police. Both levels of trainings have sections on refugee/asylum-seeker women and children's issues, providing officers with a deeper understanding of their situation and specific needs. The lower level officers' sensitization should contribute to better treatment of refugee/asylum-seeker women and children. The higher level officers' increased understanding and sensitization will contribute to more adequate policy development.

C. Field Monitoring Visits

ICMC project manager and one Mol expert monitor three pilot sites, to observe effect of trainings on operations of trainees and analyse strengths/weaknesses of prior seminars.

D. An Interim Evaluation Meeting

An Interim Evaluation Meeting is held at the end of the project. The experience and information obtained from the seminars throughout the project are shared and discussed by the participants. The project is expected to continue with a second phase, which will include four main activities:

- Strategic planning based on the findings and results of the previous phase;
- Second specialized training in asylum to another 15 higher level police officers;
- A study visit to an EU member country for a group of senior police officers to learn about the overall EU asylum system and best practices; and
- A final dissemination meeting to evaluate the project with results shared with stakeholders.

This synthesis and evaluation will enable participants to examine Turkish practice, identify its strengths and weaknesses and propose improvements. The results will also be shared with related authorities, to complement other efforts in this field.

Challenges in Implementation

Training groups with both senior and lower level officers risk less open participation, particularly by lower-ranking officers. Group dynamics are managed carefully by trainers to build confidence and ensure participation of all. A second risk is the selection by MOI of high-ranking senior staff in positions unrelated to refugees and asylum-seekers or policy-making. In initial discussions, ICMC stressed importance of selecting officers in daily contact with refugees, asylum-seekers and relevant issues.

Results to Date

Currently underway, results include greater Mol-NGO contacts, including a cooperation agreement on trafficking issues with a local NGO. This project also allows ICMC, as an NGO, to contribute to the policy decision-making by providing field input for government decision-makers. This initiative also encourages active involvement of Turkish NGOs in projects with the government, better advocacy by civil society and greater opportunities for pluralism in Turkish democracy.

4 Information Dissemination

Ecuador / Colombian refugees / Colombians can apply for asylum and receive legal advice as well as information on their asylum cases at the UNHCR office in Ibarra / UNHCR / B. Heger / September 2004



Information Dissemination:

Providing refugees with accurate, reliable, regular, and up-to-date information about issues and services affecting them – their rights and responsibilities in the country of asylum, their rights under refugee law, assistance and programmes available to help them, and the situation in their country and communities of origin.

and

Providing to the local population information regarding the refugees they host in order to educate, sensitise and promote a tolerant, welcoming attitude towards the refugee community.

In practical terms, information is power and the more information shared with refugees about issues of concern to them, the more involved, engaged and empowered they will be. Accurate, up-to-date information assists them to make informed choices and decisions. Sharing information with the refugee community demonstrates trust, openness and respect for them and their ability to make sound decisions on the basis of the information presented.

Article 19 of the Universal Declaration of Human Rights⁴⁸ recognizes the right to freedom of information:

‘Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’

Legal protection, by necessity, includes informing refugees of their rights under law, whether international human rights law, international refugee law, national refugee law or national law in general. Lack of legal knowledge amongst refugees will contribute to the violation of national laws and will thus have broader repercussions, such as deteriorating local support for asylum and the reception given to refugees.

Prior to or immediately after admission to the refugee camps, it is important to disseminate relevant information, particularly regarding reception and asylum procedures and the rights and responsibilities of asylum-seekers. Such information should be provided to women whether or not they are accompanied by male family members. Information on reception and asylum procedures may also have to be specifically provided to children, for example in the case of unaccompanied or separated children.

Once in the camp, information dissemination to refugees needs to continue. Refugee committees or block leaders may be utilised to gather and to share information, but these structures at times prove unreliable. On the most significant issues, information should be passed directly to and from refugees such as through print or mass media and open meetings.

‘Field staff at the site, anxious to provide immediate help, must remember that unless information gathered locally is shared, its usefulness is limited.’⁴⁹

⁴⁸ UN General Assembly Resolution 217A (III), 10 December 1948.

⁴⁹ UNHCR, *Handbook for Emergencies, 2nd Edition*, Geneva: June 2000, p. 18.

The phenomenon of information dissemination and communication flows is linked to that of power. When information flow is severely restricted, there are few means to check fact against fiction or to verify 'truth' from several sources. In these circumstances, information takes on even greater significance: human beings have repeatedly demonstrated under the harshest of conditions – in concentration camps and in prisons – that nothing can stop the fundamental desire to communicate and to be informed. Restricting the flow of information does not guarantee an absence of information. The tighter the rein is held on the very human need to communicate and exchange information, the more desperate will be the means by which it is attained.⁵⁰

*'A little knowledge possessed by a few, delivered to a traumatized and desperate many, is both dangerous and irresponsible.'*⁵¹

The NGO, Article XIX – the Global Campaign for Freedom of Expression, in their study on information dissemination in the Tanzanian refugee camps, stated, 'Those who possess the right to be protected, as well as those working to ensure that protection, have a mutual interest in security. Communication and information exchange cannot benefit one group in exclusivity without affecting the other group.'⁵²

Information dissemination also encompasses refugees' freedom of expression. It is important to ensure that avenues exist for refugees to communicate back to UNHCR and NGOs, that information is disseminated beyond that of the camp leadership and that refugees and the local population can communicate with each other.

Finally, information dissemination refers to how we communicate to the broader public – host communities at the local and national level to inform about refugees in their country and sensitise them to refugee needs and resources. The strategic and thoughtful dissemination of information to the local and national media sources will assist in refugee protection. The media can play a powerful role in shaping attitudes and behaviour towards refugees and the host society's preparedness to assist refugees.

*'The freedom of information is a crucial tool that... the international community can use to protect not only the dignity and well-being of refugees, but also the security of their own representatives in the field.'*⁵³

Those working in various media, should have a solid grasp of refugee issues – who is a refugee, what are their rights – and be aware of the refugee experience in order to present a balanced image of refugees. Balanced information can dispel rumours, alleviate xenophobia, and generate empathy and even local involvement. Conversely, the media can be manipulated – including by the country of origin – to enflame hostilities, encourage animosity and erode whatever welcome the refugee community may have had. The media must be pro-actively engaged to encourage respectful messages and a climate of tolerance and openness.

⁵⁰ West, A. and Wanbuger, L., *Left to Their Own Devices: The Impact of Informal Information and Communication Networks on Security in the Tanzanian Refugee Camps*, Article 19, December 2003, p. 43.

⁵¹ West, A. and Wanbuger, L., p. 20.

⁵² West, A. and Wanbuger, L., p. 20.

⁵³ West, A. and Wanbuger, L., p. 3.

Activities to enhance positive, balanced media coverage include:⁵⁴

- Developing a media strategy and preparing country- and issue-specific media information kits on refugee issues.
- Organizing regular press briefings.
- Encouraging journalists to cover refugee issues (e.g., offering stories exclusively to individual committed journalists to create loyalties; sending out invitations to targeted media for UNHCR and NGO events), providing editors with ideas, material on refugee issues and access to potential interviewees.
- Providing video footage for TV networks.
- Organizing visits to refugee centres.
- Launching contests for the best refugee story and sponsoring an award.
- Organizing sports competitions to interact with host community.

Challenges

Camp layout, the lack of technology including irregular electricity and the physical size of the camp, can challenge the dissemination of information. Some refugees may be illiterate. The camps may be **mixed language groups**, with populations speaking two or even several languages.

Too often, information dissemination is geared toward elected or appointed refugee leaders only, who may or may not pass the information on, and, when they do, may do so selectively. The more often information is passed from a secondary source to a third and so on, the less accurate it becomes. Often those most in need of information have least access to it – older persons, children, women, and persons with disabilities.

Additionally, information dissemination with refugees is often one-sided, telling them but not taking time for – listening and responding to them, their concerns, their ideas, and their proposed solutions. Unfortunately, the presence of UNHCR and even NGO staff in the camps is, at times, so sporadic as to render this staff unable to effectively communicate with the refugee community. This also fosters a feeling of mistrust amongst the refugees towards UNHCR and NGO staff.

It is impossible to stop information shared via the **refugee rumour mill**. Refugees may not show up for camp meetings, may not participate in programmes designed to assist them, and, in general, may appear disinterested in the larger issues affecting them. Posters and handbills often disappear the same day they are posted. Further, the interests of regional governments, donors and resettlement countries may change from one day to the next, making it all but impossible to keep the refugees abreast of, for example, resettlement or repatriation plans.

In addressing information dissemination to the host community, it may be **difficult to identify receptive, interested media sources**. Journalists, for example, may be more interested in the 'refugee problem' than the less sensational refugee success story. **Staffing constraints** may leave NGO and UNHCR without a staff person to work with the local media. Local media may be

⁵⁴ UNHCR, *Handbook on Strengthening Protection Capacities in Host Countries*, Geneva: August 2004.

uninterested, especially in protracted refugee situations where the refugee story has 'already been done.'

Conclusion

A variety of channels for information dissemination should be considered as well as an analysis of who has access to these channels and how best to reach the disenfranchised groups and individuals including women, ethnic and religious minorities, older persons, persons with disabilities, youth, and children.

Methods of information dissemination include:

- Posters and leaflets
- Information boards
- Verbal presentations at public or community meetings
- Broadcasts on public address systems
- Audio tapes, videos or films
- Radio programmes
- Refugee information committees
- Refugee newspapers
- House-to-house visits by UNHCR, NGO staff and refugee information committee members
- Individual counselling
- Presentations to NGO networks, religious and other groups
- Cultural performances, song and drama
- Utilisation of refugee leaders, block leaders and refugee committees
- Education programmes and teacher-to-student dissemination

A carefully-planned and ongoing information dissemination programme that keeps refugees informed of issues, projects, and changes will directly improve the protection of refugees. Refugees will know where to go for help and how to access services. They will know their responsibilities in their country of asylum and their rights and, thus, when those rights are violated. Information on resettlement eligibility criteria may cause refugees to be more realistic in their plans and thus lessen aggression against UNHCR staff. Information about voluntary repatriation and conditions in countries of return may encourage some refugees to return but other refugees with specific needs to wait until conditions improve.

Checklist

Information Dissemination in Refugee Situations

To be effective, information dissemination must be carefully planned. An **information / communication strategy** needs to address the following:

- ✓ How will the information dissemination happen?
- ✓ Who will do it?
- ✓ How will the strategy be developed with the involvement of refugees?
- ✓ How will NGOs and other partners be involved in the development of the strategy to ensure clear and consistent messages and to avoid overlap?
- ✓ How will the dissemination of information be kept on-going and not just related to a specific event such as a re-registration exercise?
- ✓ How will the strategy insure the information reach those with specific needs or those most marginalized within the refugee community, including through the use of multiple channels and methods?
- ✓ Is the information being shared reliable?
- ✓ Is it culturally appropriate?
- ✓ How will the illiterate be informed?
- ✓ Are there specific messages that need to reach women? Children? Persons with disabilities? Older persons?
- ✓ Are the messages delivered in a respectful and non-patronizing manner?
- ✓ How will the strategy ensure that the flow of information is not controlled by a few or just by men?
- ✓ Is there a mechanism for feedback to allow refugees to communicate back?
- ✓ What media sources will be engaged – radio, print, visual posters, megaphone, teachers, and refugee leaders?
- ✓ How will the host community be engaged? Will there be a public awareness-raising campaign to help them understand the refugees they host?
- ✓ How will humanitarian principles be disseminating, ensuring that both refugees and host communities, understand the humanitarian motivations, mandates, and methods of work?

Information Dissemination

Guidelines

- UNHCR, *UNHCR Manual*, 'Chapter 10, Public Information', Geneva: February 2005.
- UNHCR, *Confidentiality Guidelines*, UNHCR/IOM/71/01, UNHCR FOM/68/01, Geneva: 24 August 2001.
- UNHCR, *Confidentiality of Information Concerning Individual Refugees or Asylum-Seekers in Discussions with Countries of Origin*, UNHCR/IOM/12/90, UNHCR FOM/12/90, Geneva: 12 February 1990.
- UNHCR, *Contacts with the Media*, UNHCR/IOM/92/99, UNHCR/FOM/92/99, Geneva: 30 September 1999.
- UNHCR, *Mass Information Activities*, UNHCR/IOM/42/98, UNHCR/FOM/45/98, Geneva: 26 May 1998.

Other helpful references

- West, A. and Wanburger, L., *Left to Their Own Devices: The Impact of Informal Information and Communication Networks on Security in the Tanzanian Refugee Camps*, Article XIX, December 2003.

Good Practices

Information Dissemination

Information Flow in Cassoni Refugee Camp – Chad

Operationalises information dissemination as a tool of protection with and through the refugee community. Refugees are trained as Protection, Relocation and Information Officers to monitor new arrivals, document incidents of crime, identify those with specific needs, conduct feedback sessions with their community members, and manage information centres.

Information Dissemination through Film – Kenya and Tanzania

Through entertaining and educational films, the project uses an attractive media source to disseminate information on HIV/AIDS, human rights, and proper hygiene reaching large groups of refugees. The project also links with existing health and supplemental feeding programme services to maximize refugee participation and impact.

Go and See Visits for Repatriation – Burundi and Tanzania

Implements 'go and see' visits as a means of sharing information with the broader refugee community and the host country officials on conditions in the country of origin. Participants include refugee women, men and youth as well as host country officials. The refugee participants de-brief the larger refugee community upon their return.

Journalism: Best Refugee Stories – Czech Republic

Seeks to develop a tolerant, receptive environment in the host country by working with the media to promote the positive portrayal of refugees within their country.

Greater Participation of Refugee Youth – Uganda, Kosovo and Sierra Leone

Practices combine participation, age and protection elements with a rights-based perspective. The practice fills a needed gap in addressing both the specific needs and the unique potential of displaced adolescents.

Cross-References: *Information Dissemination / Protection Monitoring*

Goal: Improve flow of information between refugees and aid organizations; encourage refugee participation in decision-making, especially related to camp relocation.

Partners: IRC, Chad Commission for Refugees (CNAR), UNHCR

Background: IRC has been present in Bahai, Chad since February, 2004, when there were 16,000 Sudanese refugees living around the *wadis* in Bahai and Cariari. These populations survived with virtually no assistance from the international community since December 2003. Beginning in May 2004, IRC's Protection Coordinator worked to improve information flow between the refugee community and aid organizations.

Implementation Strategy

1) Recruitment of protection staff: Additional to identifying refugees with requisite qualifications, the interview process obtained background information, including reasons for flight and current situation. The Protection Coordinator interviewed over 200 men and women for the positions of Protection Assistant, Team Leader, and Protection Monitor. The primary concerns were Arabic literacy, community ties, secondary school education, professional experience, some English, and balanced representation from various refugee populations. The Coordinator hired 1 Protection Assistant, 5 team leaders and 22 monitors (13 men, 15 women).

2) Monitoring of new arrivals: Protection monitors gathered information from refugees newly arriving in Bahai (directly from Sudan or other points in Chad), including:

- Name, sex, age of each person in the family
- Village of origin. Date they left their village and days *en route*
- Specific needs: separated/unaccompanied children, female-headed households, persons with disabilities, older persons

Monitors gave new arrivals information on the following:

- Pre-registration procedure
- Medical services/mobile clinics
- Water points
- Food distribution
- Information on refugee leadership and community groups

Monitors kept an ongoing record of new arrivals. They worked with the refugee leaders and the CNAR to identify and pre-register new arrivals.

3) Incident reporting: Monitors were trained in human rights issues, abuses and incident reporting. Monitors reported crimes, serious disputes or violent incidents directly to the Protection Coordinator. The Coordinator, in collaboration with a UNHCR officer, interviewed people involved including the alleged perpetrator, victim, witnesses, police, and local authorities. Monitors completed Incident Reports, which are copied to UNHCR. Any follow-up was also reported to UNHCR.

4) Creation of community groups: Monitors helped create community leadership committees and a refugee women's group. The group meetings were used as focus groups to assess protection concerns and for participatory camp planning.

5) Community assessment of protection concerns: Monitors made detailed maps of Bahai and the Cariari *wadis*. They created a key to identify refugees from different communities in Sudan and to identify individuals and groups with specific needs. IRC used this map to begin a community assessment of protection concerns.

6) Pre-relocation feedback sessions: In the weeks prior to relocation, monitors involved refugees in planning the new camp. Focus groups were created of men and women from a cross-section of the refugee population. Topics included: preferred housing arrangements, location of latrines, water sources, bathing facilities, schools, health centres, community space, systems for food distribution, and organization of refugee leadership.

B. In the camp setting

Refugees in Bahai and Cariari were relocated to Cassoni camp July 2004. Mechanisms for information flow to out-of-camp refugees were maintained/adapted to camp setting.

1) Information centres: The Cassoni camp is divided into three zones, each with an Information Centre. Three monitors in each zone are 'Information Officers.' They relay information in regular briefings to refugees about housing issues, registration procedures, security announcements, health services, water and sanitation. These officers record complaints and refer them to other team members to solve problems relating to security, registration, housing and access to services particularly for refugees with specific needs.

2) Monitoring of new arrivals: Three team members from each zone are 'Registration Liaisons' to brief new arrivals on registration procedures and services, and screen for individuals with specific needs.

3) Individuals and groups with specific needs: Each zone has three 'Community Service Officers' to gather information about groups with specific needs. These officers coordinate with other team members to solve housing, registration, access to services and security issues. Team members help to create a camp leadership system organized by blocks and zones. Each block of 80-120 tents has one community-selected male and female block leader. Leaders represent their block in meetings, mediate conflicts, coordinate with protection team members and the block community watch and organize women's and youth groups.

Challenges in Implementation

- Identifying refugee personnel with qualifications to serve as Protection Monitors
- Time constraints in training and monitoring refugee staff in an emergency.

Results to Date

- Relocation to the camp undertaken smoothly with refugee participation.
- Refugee leadership established in the camp with 50% women representatives.
- Continuity of information dissemination mechanisms pre- and post-relocation.
- Individuals and groups with specific needs identified and assisted.
- System established to monitor and register all new arrivals to the camp.

Location:

Kakuma and Dadaab Camps, Kenya; Nduta, Mtendeli, and Karago Camps, Tanzania.

Cross-References: *Information Dissemination / SGBV*

Goal: Use the power of film to break the isolation and monotony of refugee camps and to convey information central to refugees, including protection, HIV/AIDS awareness, hygiene, reproductive health, sexual and gender-based violence, sexually transmitted infections, human rights, conflict resolution, and landmine awareness.

Partners:

UNHCR, Church World Service, Tanganyika Christian Refugee Services/Lutheran World Federation, International Rescue Committee, CARE and others.

Objectives:

1. Educate and inform refugees on protection, human rights, health care, prevention of HIV/AIDS and other diseases, SGBV and post-conflict reconciliation;
2. Entertain and stimulate refugees, to alleviate problems of psycho-social trauma and despair;
3. Empower refugee youth through participatory video activities that develop confidence and self-esteem by giving them the opportunity to be creative and tell their story;
4. Rebuild healthy community life by creating shared positive experiences and outlets for communication; and
5. Enable greater self-sufficiency of refugees by hiring them to implement FilmAid's programmes in the camps and train them in fundamental work skills.

Implementation Strategy:

- Identify partner organizations for work in each of the camps.
- Recruit and train refugee staff to manage the project with the goal of having them assume increasing responsibility and control as the programme develops.
- Identify locations for film screenings that allow maximum participation including of women and refugees with specific needs. Rotate to various areas of the camps to reach all audiences, while taking into account security related to evening screening hours.
- Form committees in each camp representing different ethnic and social groups. Committees include both traditional community leaders and non-traditional voices such as women and youth. The committees approve films shown.
- Screen films in the evenings: a feature film (ideally African-made and dealing with topics relevant to the refugees, such as teen pregnancy or African history) preceded by a short educational film or public service announcement.
- Screen daytime education films and short videos in community and youth centres to smaller groups of refugees. Targeting particular audiences, such as women or children, these sessions reinforce and complement specific education, service provision and skills training programmes run by other aid agencies.
- Teach youth how to use video as a storytelling tool. Recording their experiences and ideas on tape has encouraged critical awareness, stimulated individual development and worked as a catalyst for interaction and cooperation. The videos the youths create are shared with their communities at evening film screenings.

- Produce and disseminate locally-made, refugee-conceptualized video educational messages. Refugees and locals participate actively to create these messages and the resulting pieces are widely disseminated throughout the camps.
- Core principles include a participatory, culturally respectful and inclusive approach, engaging refugees in needs assessment, management and implementation of the programmes, and avoiding political and religious bias.

Challenges in Implementation:

- Very logistics-intensive
- Sensitive to insecurity (evening screening programmes)
- Harsh environments for the maintenance of some equipment
- Securing ongoing funding to maintain and expand activities

Results to Date:

- Evening film screenings have drawn up to 14,000 refugees a night in Kakuma camp and up to 33,000 refugees at a single screening in Kibondo.
- Allows mass sharing of information on topics difficult for some refugees to talk about – like HIV/AIDS and sexual and gender-based violence.
- Provides alternative evening activity that is both entertaining and educational.
- Links with existing programmes and services to strengthen messages and encourage participation. For example, a Kakuma made video encouraged refugees to visit the Voluntary Testing Centre for HIV testing.
- The participatory video project develops the self-confidence and self-esteem of involved youth by giving them the opportunity to be creative, to tell their own stories, and to learn new skills (video production).
- Screenings have served as incentive for women's participation in targeted programmes.
- Despite the unique nature of evening activities, refugees have attended evening screenings peacefully and with no incidents.

Location: Ngara, Tanzania

Cross-References: *Information Dissemination*

Goal: Help refugees obtain information regarding country of origin in order to make an informed decision regarding repatriation; help ensure repatriation in safety and dignity.

Partners: Implementing partners, Tanzania Ministry of Home Affairs (MHA), UNHCR Tanzania and Burundi, Refugees

Objectives: Refugees in Lukole A and B camps in Ngara have access to information about their areas of origin in Burundi before they decide to repatriate.

Implementation Strategy:

- Refugee leaders expressed a need for better information regarding conditions in their country of origin, including security, health, education and employment.
- Areas in Burundi with high rates of return from camps were selected for visits.
- IPs and refugee leaders are encouraged to submit candidates for visits. Refugee candidates are chosen with equal representation of men and women, age groups and backgrounds, such as religious leaders, farmers, youth groups, and health and education staff. Each visit has 50/50 male/female participation.
- Visits are carried out in cooperation with UNHCR Burundi and MHA Tanzania.
- Refugees visit their families, as well as local institutions, government officials, schools, hospitals, IDP settlements, returnee areas, churches and markets.
- Upon return to the camps, the participants form a panel for large scale information meetings to ensure wide distribution of information.
- Participants also complete a questionnaire, which forms the basis for information-sharing between UNHCR offices in Tanzania about the places visited.
- The program began as a pilot project. Based on feedback from refugee leaders, the program was adjusted, including the number of participants, information dissemination after the visits and the inclusion of refugee leaders.

Challenges in Implementation:

- Limitations in participant numbers due to Burundi status in UN security phase III.
- Time constraints: participants want to overnight with their families but cannot because UNHCR operates only during daytime due to security phase.

Results to Date:

- Three 'Go and See' visits successfully completed with 27 refugee participants. The visits covered 3 Provinces and 6 Communes in Burundi.
- Refugees support the visits and appreciate information about places of origin.
- Information from other refugees about the situation in their place of origin allows a more informed decision taking into account the needs of a specific family.
- Involving MHA in the visits gives Tanzanian officials first-hand information about conditions in Burundi; their view on need for continued asylum is more realistic.

Location: Nationwide in the Czech Republic

Cross-References: *Information Dissemination*

Partners: Media

Goal: Encourage the media to report accurately and in a timely manner on refugee issues and thus raise public awareness about refugees in the country. The activity is targeted at the media and, secondarily, at the general public.

Objectives:

- Develop perception in the media of UNHCR and partners as reliable information sources.
- Give special attention to small, regional media, which often have a bigger impact outside the capital.

Implementation:

Since 1998, UNHCR has organized an annual competition for journalists called 'Best Refugee Story.' The competition is open to any pieces covering refugee-related issues, with examples given in the call for contributions. The competition is announced in the Fall, in three categories:

1. print and Internet media;
2. audio media, and
3. visual media.

The technical parameters state that the contributions cannot exceed 5 printed pages and/or 15 minutes.

A committee of external experts selects the winning pieces. The First Place award winners are given an equivalent of 1,000 USD to be used for a study visit abroad, where the journalists should prepare another piece on refugees. The awards are announced at a ceremony attended by the media and by various partners of UNHCR.

Lessons learned

The evaluation committee has remarked that the quality as well as the quantity of the pieces published by various media on refugee issues continues to improve and increase. The competition is also a good opportunity to cultivate the relationship with the media and to strengthen the media network.

Cross-References: *Information Dissemination*

Goal: Increase the participation of refugee youth in issues affecting their lives.

Objectives:

1. Conduct participatory, adolescent-led, research studies in northern Uganda, Kosovo, and Sierra Leone to identify adolescents' concerns, interests and ideas for improving their lives;
2. Use research results to advocate for programming and change with donors, UN agencies, NGOs and policy makers; and,
3. Bring refugee youth to international fora to present their views, concerns, and suggested solutions.

Implementation Strategy:

- Identify local youth and youth organizations in target countries.
- Assist them in mobilizing themselves, accessing training, and developing their own methodology and research plans.
- Support them as they interview their peers and adults to identify key concerns of young people and solutions to these problems.
- Analyze data with the research teams to formulate recommendations for local groups, national governments, UN agencies and international organizations.
- Bring refugee adolescents to key meetings and conferences to promote their findings and recommendations.
- Work with the adolescent research teams to undertake extensive advocacy campaigns calling on key decision makers to make specific policy and programme changes to address concerns raised in emergency, long term conflict and post-conflict reconstruction situations.

Challenges in Implementation:

Funding for refugee participation at key events.

Results to Date:

Awareness of the rights and capacities of refugee young people among governmental, NGO and United Nations decision-makers has noticeably increased. The UN Secretary-General has cited this work and messages in General Assembly reports and the U.S. State Department has raised the project's advocacy issues within UNHCR's Executive Committee.

Sierra Leone

- The United Nations Security Council incorporated the recommendations of adolescents in Sierra Leone on HIV/AIDS and sexual exploitation of children by aid workers in its Resolution 1460, paragraphs 10 -11.
- Hundreds of adolescents were directly involved in research and advocacy and thousands more had their voices heard as research assistants in the participatory research studies; dozens of young people gained access to high-level policy discussions at the United Nations Special Session on Children and other international meetings, strengthening policies of inclusion for young people that allow their voices to be heard.

Uganda

- The Danish donor agency Danida responded to the recommendations of the Uganda study and worked with young people and community leaders in northern Uganda to design and implement a new Acholi Education Initiative, providing secondary schooling to hundreds of adolescents affected by the 17-year-old war.
- The Ugandan government-led Psychosocial Core Team worked to ensure that organizations assisting children incorporated adolescents into their programs.
- Young people involved in the research study in Uganda went on to form their own youth NGO called Gulu Youth for Action (GYFA), and the Women's Commission helped them raise funds for their work to increase awareness about HIV/AIDS among adolescents.

Kosovo

- In Kosovo, non-governmental organizations (NGOs) used the results of this work as a pilot project and raised funds for and implemented a \$1 million Civic Participation Initiative involving young people across Kosovo.
- The Women's Commission worked with adolescent members of the Kosovo Youth Council (KYC) to design and implement many projects in their community, including psychosocial programs for orphaned children. They formed student governments and reached out to other ethnic groups with projects to foster the education of Roma girls and the organization of Serb adolescents. They were the first young people ever to address their local Municipal Assembly when they fought for their right to design and manage community services for young people. KYC members advise political parties, international projects and fora and are now the leading youth organization in Kosovo.
- The United Nations Development Program used the Kosovo study to raise money for youth programming in Kosovo and, with the International Rescue Committee, launched a National Youth Congress to influence youth policy in the province, based on a KYC idea.
- With the help of the Women's Commission, KYC secured funding for the 'Strengthening Youth Advocacy - for Good' project, funded by the U.S. Agency for International Development (USAID) through Save the Children - U.S., bringing together young people of different ethnic backgrounds and helping them identify and address problems they face.

5 Protection Monitoring

*Pakistan / Afghan refugees / Census of Afghans in Karachi /
J. Redden / March 2005*



Protection Monitoring: The collection and analysis of information relating to protection, rights and well-being of refugees in order to intervene to protect against the infringement of rights, to assess the impact of UNHCR/NGO projects, and to modify and/or design projects to best meet the protection needs of refugees and others of concern. Monitoring involves situation monitoring as well as monitoring performance, quality, and impact and requires a mix of measurable indicators and qualitative ones.⁵⁵

For UNHCR, monitoring plays a central role in the fulfilment of its mandate to protect refugees and to coordinate international action on their behalf. Effective monitoring provides UNHCR with an ongoing review of operations and a mechanism to assess whether interventions are proceeding according to plan and with benefits equitably distributed to targeted groups within agreed time frames and costs.⁵⁶

To discourage protection problems from arising and to ensure that at-risk populations are protected, **monitoring the protection of refugees** must be part of daily work in the field. To be effective, protection monitoring needs to be focused, thoughtful, and planned. Effective monitoring depends not just on knowing what to monitor, but equally on knowing how best to collect the necessary data, having the capacity to do so together with the ability to analyse it, mechanisms to properly record and usefully report on information received and finally, the ability to use it to adjust programmes and interventions. Effective monitoring requires coordinated action by programme, technical, protection, community services, and other field staff.⁵⁷ Effective monitoring is highly dependent upon good quality needs assessment and programme design. Weaknesses in monitoring capacity can usually be directly tied to poor or absent initial assessments.

For the purposes of this Guide, 'situation monitoring' (possible new influxes, change in host country government policy, increasing threats to security in the camps) and 'impact monitoring' (reviewing programme objectives and establishing whether the intended outcome of a programme is actually being achieved), are most crucial.

*Impact monitoring most closely addresses the question,
'how are UNHCR's activities affecting the protection
and well-being of the refugees?'*⁵⁸

During protection monitoring visits, a variety of issues must be assessed in collaboration with the camp management agency – access to assistance, the changing roles of men and women, the treatment of individuals and groups with specific needs, incidences of SGBV, security in the camp, school attendance, access to livelihoods, identity and registration documents, and respect for the principle of *non-refoulement*.⁵⁹

⁵⁵ Kelly, N., from draft paper, *Monitoring in the Protection Sector*, 22 July 2003.

⁵⁶ UNHCR, *Enhancing UNHCR's Capacity to Monitor the Protection, Rights and Well-Being of Refugees: Synthesis of Findings and Recommendations*, EPAU, Geneva: June 2004, Chapter 34, p. 1.

⁵⁷ Chapter 4, p. 1.

⁵⁸ Chapter 3, p. 9.

⁵⁹ The list is not exhaustive.

Protection monitoring can be both formal and informal and needs to include both quantitative and qualitative data. Methodologies for monitoring include:

- the regular checking of individuals at-risk, marginalized groups, and individuals and groups with specific needs
- questionnaires
- direct observation
- spot checks
- surveys
- measurement of performance indicators
- semi-structured refugee interviews⁶⁰
- informal conversations with refugees
- complaints mechanism / established Ombudsman function
- camp management meetings
- camp walkabouts
- focus group discussions
- community meetings
- home visits
- observing various refugee committee meetings
- reviewing police or camp security incident logs
- structured dialogues with refugee leaders in which the Heads of Offices, Sector Specialists, Implementing Partners, and Operational Partners are present⁶¹
- regular meetings with implementing and operational partners
- monitoring of service provision as per UNHCR's standards and indicators to assess which have been met and which require further work
- review and analysis of others reports and documentation (for example, situation reports, protection reports, sub-agreement monitoring reports, and press reports)

To support a community-based approach to operations UNHCR has developed a tool for participatory assessment which incorporates some of the methods highlighted above.⁶² It provides for the systematization of the protection risks identified, their causes, as well as the capacities in the communities to address them identified by the different members of the community. The findings from the participatory assessment are then analyzed to define which rights are being violated and protection objectives can be formulated to address the problems. These objectives then form the basis for programming. Used regularly, the UNHCR tool for participatory assessment can enhance protection monitoring and strengthen the multi-functional team approach.

Protection monitoring requires physical presence. In 2002, Human Rights Watch concluded that the very presence of UNHCR reduced the *refoulement* of Liberian refugees.⁶³ Additional to their own direct engagement in the field, UNHCR Protection staff should depend on their colleagues

⁶⁰ For information on how to conduct semi-structured interviews and focus group discussions, refer to annexes 3.3 and 3.4 in, UNHCR, *A Guide to Planning and Implementing Development Assistance for Refugees (DAR) and Development through Local Integration (DLI) Programmes*, 1st draft, Geneva: 3 August 2004.

⁶¹ This should take place weekly in an emergency situation and at least monthly in a stable situation. Refer to, UNHCR, 'Community Services and Development Standards and Indicators', *Practical Guide to the Systematic Use of Standards and Indicators in UNHCR Operations*, Geneva: No 2, page 80.

⁶² UNHCR, 'The UNHCR Tool for Participatory Assessment in Operations', July 2005 (draft).

⁶³ Human Rights Watch, *Liberian Refugees in Guinea: Refoulement, Militarization of Camps, and Other Protection Concerns*, New York: 2002, p. 16.

(Community Services and Field Officers), their NGO partners and the refugees themselves as additional 'eyes and ears.' Closest to the ground and with an ongoing or daily presence in the camps, these protection partners should inform, guide and assist with problem-solving.

The most effective protection and the monitoring thereof utilises a multi-functional team approach – recognising that role of all staff in field protection monitoring, regardless of their job title. Different players have access to different information. UNHCR must also communicate with NGOs that may not necessarily be protection-oriented, such as those providing medical services or food distributions, to ensure they are effective protection monitors as well. The water and sanitation engineer might know best about security incidences happening at the water pumps while the NGO partner for education might be best aware of the reasons why girls are not attending school. To better 'programme for protection,' requires knowing how the current programmes and activities are working, and who is participating and who is not.

UNHCR must also understand the roles of and coordinate with all involved agencies, with UNICEF on child protection issues, for example, and with the ICRC on family reunification and tracing issues. It is important to map out each organization involved in protection as well as their protection focus and programmes and then to involve these organizations in ongoing communication, planning, monitoring and evaluation of protection activities.

Challenges

Impediments to effective protection monitoring include **infrequent senior staff and protection officer engagement with refugees**, in part due to staff shortages and excessive reporting requirements that keep staff deskbound. Too often, UNHCR officers tend to deal with refugee problems rather than with individual refugees. Other obstacles include the:

- **misperception that protection staff only deal with legal issues, programme staff with money and community services staff spend time talking to people individually;**
- **absence of a protection-driven integrated programme planning** that includes a delineation of monitoring responsibilities among staff;
- **lack of a participatory and multi-functional team approach to situation analysis, assessment and planning including with persons of concern⁶⁴; and**
- **absence of practical protection tools** – for example, a generic protection monitoring checklist.

UNHCR's monitoring capacity is often weakened by its failure to work in a fully collaborative manner with both implementing and operational partners. Common criticisms of UNHCR are:

- it fails to consult with its partners;
- it 'takes' information from partners but provides little in return and
- it does not engage its partners actively in programme design or evaluation.

This Guide is one tool to ensure that any such failings are minimised in the future.

⁶⁴ See also Annex D, point 1.

Conclusion

Monitoring is a management tool, and information is collected in protection monitoring for a reason: to protect refugee rights and to safeguard refugee welfare by means of improved programme quality. Because refugees are best placed to know the reality on the ground and evaluate their protection situation and the quality of the responses, UNHCR must communicate better with refugees in order to significantly enhance its monitoring capacity.⁶⁵ This must be done in partnership with external actors (the host government, NGOs, and the refugee community) and as multi-functional teams internal to UNHCR (programme, protection and community services).

Checklist Protection monitoring should include:

- ✓ Periodic review of all programmes and services implemented in the camp: are they meeting stated objectives, what is the quality of staff, is there gender balance of staff, are the programmes rights-based, and how are refugees involved in the implementation, monitoring and evaluation.
- ✓ Gauging refugee satisfaction with programmes, activities and services provided.
- ✓ The regular presence of UNHCR field/programme, protection and community services staff working as a team.
- ✓ Presence and involvement of senior NGO implementing partner staff.
- ✓ Refugee participation, gender balance on refugee committees and with regards to participation in programmes and activities.
- ✓ Assessment of at-risk or marginalized refugee individuals, groups and communities.
- ✓ Staff engagement with the refugee community, ongoing structured dialogue, meetings, and refugee access to staff.
- ✓ Use of situation analysis for programme design, development, implementation, monitoring and evaluation.
- ✓ The regular use of standards and indicators in monitoring and reporting by all implementing agencies.
- ✓ Analysis of protection gaps and challenges – for example SGBV, access to humanitarian assistance, enrolment of school age children, drop-out rates of girl/boy students, and the provision of health care and livelihoods programmes.

⁶⁵ UNHCR, *Enhancing UNHCR's Capacity to Monitor the Protection, Rights and Well-Being of Refugees: Synthesis of Findings and Recommendations*, Chapter 1, p. 1.

Protection Monitoring

Guidelines

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Other helpful references

- OHCHR, *Training Manual on Human Rights Monitoring* (Professional Training Series No. 7) New York and Geneva: 2001; see especially, Chapter X, 'Monitoring and Protecting the Human Rights of Refugees and/or IDPs Living in Camps'.
- U.S. Department of State, Bureau of Population, Refugees and Migration, *Monitoring Refugee Protection*, Washington (DC): February, 2003.

Good Practices

Protection Monitoring

Joint Border Monitoring – Slovenia

Highlights the importance of protection monitoring in a specific context – the arrival of asylum-seekers – and focuses on building partnerships with border police and national NGOs. The project includes training, observation, mentoring, evaluation, and the sharing of good practices developed with neighbouring countries.

Protection Monitoring through 24-hour Presence – Yemen

Demonstrates the impact and effectiveness of daily presence in the camp by UNHCR and NGO staff, allowing for genuine protection monitoring. Additionally, the practice shows how such continual presence enhances the immediate awareness of and response to protection problems; for the regular, sustained dialogue with the refugee community and for ongoing follow-up with implementing and operational partners.

Age, Gender and Diversity Mainstreaming in Protection and Programming – Turkey

Engages a good cross-section of partners and utilizes a multi-functional team approach within the UNHCR Branch Office to produce tangible results in products (trainings, a manual and guidelines) and service delivery (humanitarian assistance and refugee status determination procedures). While not camp-based, the initiative is replicable in refugee camp hosting country operations.

Participation through Refugee Executive and Sub-Committees – Sierra Leone

Involves refugees in decisions and services that affect them and enhances transparency and accountability among elected refugee leaders. It further promotes the inclusion of women and youth in refugee representation. Election procedures including the provision for annual elections are established as well as clear terms of reference for the Executive Committee and for each Sub-Committee. The sectoral sub-committees are involved in monitoring the respective activities of the implementing partners. Regular dialogue is held between the Executive Committee and UNHCR and the operational NGOs that allows for two-way communication and information dissemination.

Refugee Participation in Programming – Sierra Leone

Initiated in 2003, and currently being strengthened for the 2005 programming planning cycle, involves refugee representatives (women, men and children) in evaluating existing programmes and services, setting priorities for the next year based on standards and indicators, and making resource allocation decisions thereby having a significant and meaningful part in the development of the UNHCR Country Operation Plan. The practice also enhances transparency and accountability to the refugees served.

Refugee Participation in Camp Management – Nepal

Resulted in refugees effectively managing nearly all aspects of camp life including the promotion of gender equity in services and provides a clear division of responsibilities delineated between the various sub-committees.

Refugee Participation in Camp Management and Protection – Chad

The INTERSOS Chad example demonstrates how the early and sustained participation of refugees, the daily presence of NGO staff, the focus on gender issues, and the integration of camp management, community services and protection functions can positively impact the refugee community and living environment under the most difficult of circumstances, the emergency phase in Chad late Spring/Summer 2004.

Protection Working Group – Thailand: The Working Group involves a good cross-section of partners and was initiated by the NGO community in Thailand in 2000. Additionally, the Working Group is solutions-oriented and has achieved very concrete results. The Bangkok-based Protection Working Group is now being devolved to the field level with the inclusion of refugee participants.

Protection Working Group – Angola: Although this practice is in a voluntary return context, it is replicable in a camp setting. This practice adds a couple additional features to the Thailand model as the Working Group includes government representatives and involves both a ‘shifting chair’ and an ‘open door’ approach thereby increasing ownership and responsibility of all actors and allowing new agencies to participate freely thereby promoting transparency.

Refugee and Returnee Children in Southern Africa: Perceptions and Experiences of Violence – Angola, South Africa and Zambia:

Participatory research with refugee and returnee children provides practical strategies and interventions, including those designed by children, to improve programmes relating to the prevention of and responses to violence against refugee children in three different refugee situations in Southern Africa

Children’s Forum – Nepal:

The initiative provides a forum for children in the camps that augments protection of the rights of refugee children, with particular attention to stopping child labour, child trafficking, sexual exploitation and child abuse by promoting social awareness with children themselves being advocates.

Cross-References: *Freedom of Movement / Protection Monitoring*

Goal: Create a border practice that is fair, effective and efficient; promote such good practice as a model for the immediate region.

Objectives

- Ensure appropriate safeguards are provided for persons in need of international protection during border interception and its processes;
- Build trust between the police and the NGOs working in the areas of asylum and refugees, and create a sustainable space and regular involvement for the latter in the training of border police officers and the monitoring of border police practice; and
- Establish the systematic involvement of UNHCR and key national humanitarian and human rights actors in training new police recruits at the National Police Academy (NPA), and produce a new training module (informed by field experience/realities in the country) on of asylum and human rights, jointly developed by UNHCR and border police, for use in the regular curriculum of the NPA.

Target groups: The primary beneficiaries of the project are persons in need of international protection illegally crossing the border into the country. The secondary beneficiaries of the project are national NGOs by virtue of their enhanced co-operation with the border police. The tertiary beneficiaries of the project are the border police officers and border police recruits at the police academy, who receive enhanced training directly from UNHCR and others, directly or via UNHCR-influenced training modules. The project is also intended to enhance the capacity of the central police authority in the effective management of border controls in line with international obligations, and to create a model for the best border practice in the region.

Implementation Strategy: A UNHCR/police team to carry out, two times per week over a period of three months, a series of overnight visits to border areas to observe ‘on-the-spot’ police processing of illegal entrants immediately after their interception. These visits culminate in the joint drafting of a report, to be submitted to the Minister of Interior and the Director General of the Police, containing specific recommendations as to how practice should be modified to ensure that adequate safeguards are in place allowing persons in need of international protection systematic access to the asylum procedures in the country. The report also suggests a model for NGO/ border police co-operation, and informs the process of creating modules to be used in the training of newly recruited and active border police. As an additional component of the project, UNHCR, NGOs, and/or other ‘outside’ experts are systematically involved in direct training of border police at the National Police Academy.

The project is designed to include a shared financial responsibility between UNHCR and the border police authority to ensure the full commitment and engagement of the latter.

1. Brief description of content and methodology

The project consists of the following components:

Joint Training: UNHCR and NGOs participate in the training of police recruits in the core curriculum at the National Police Academy in asylum, refugee protection and related human

rights issues, including issues of cultural sensitivity and tolerance. It also includes the development of an asylum training module jointly with the central border police authority (CP) and the National Police Academy (NPA). The training manual consists of two parts: 1) a theoretical training component on issues of human rights, asylum and refugee protection; and 2) a practical training component using simulations and case studies drawn from the joint border missions.

The joint border missions provide essential inputs (evaluation of actual border practices and recommendations) to the development of the practical element of this module, which is expected to be developed upon completion of the final report on the border missions. The module is designed to train new police recruits studying at the NPA, border police officers, and the NPA trainers who will be using the module as a teaching device.

Joint Border Missions: The missions are carried out as a border monitoring exercise in the field, conducted jointly by the CP and UNHCR, during which actual police practice at the border is monitored two times per week for an initially agreed period of three months. The basic model of the monitoring exercise is a joint team consisting of personnel from UNHCR and CP, visiting the nearest police stations in 'high traffic' border areas and, once an interception occurs, the team move to the scene in a police vehicle and observe how border police process those intercepted. While the missions are non-interventionist and observational in nature, the aspect of key importance is their regular presence 'in the field' along the borders in order to ensure a first-hand, accurate understanding of the actual methods employed by the police.

After the period of six months of observation, UNHCR and the CP will jointly draw up a comprehensive report, including lessons learned and recommendations for improving practice, and proposals for a future model for NGO/border police co-operation. This document will also serve as the base document for the development of the practical component of the module used for training.

Co-operation with the neighbouring country sharing the border: Taking into account the direct relevance of the project with the key neighbouring countries sharing the border, close co-operation and co-ordination with the UNHCR office and the border police authority in the relevant countries is sought and strengthened during project implementation. Several co-ordination meetings and joint seminars inviting border officials from the country and the key neighbouring countries are organized in order to share experiences and the good practice models developed as a result of the Joint Border Monitoring Project.

Expected Implications for UNHCR's priorities: During the border missions, special attention is made to observe the interception practice and processing procedures for single women, separated children, older persons and other groups with specific needs. The goal of the project is to promote and ensure an age- and gender-sensitive border practice that could become a good model for the immediate region.

Location: Kharaz Refugee Camp, Yemen

Cross-References: *Protection Monitoring*

Partners: UNHCR Sub-Office Aden and NGO partners – Triangle Generation Humanitaire, Charitable Society for Social Welfare, COOPI, Radda Barnen (Save the Children – Sweden) and Society for Humanitarian Solidarity

Goal: Strengthen protection of refugees through regularised protection monitoring, including maintaining a 24-hour UNHCR and NGO Implementing Partner presence.

Objectives:

1. Develop a rotation schedule for the regular presence of UNHCR Sub-Office Aden national and international staff in order to maintain 24-hour per day, 7 day per week presence in the camp;
2. Encourage NGO implementing partners to maintain similar presence including that of their international staff;
3. Encourage and promote the regular presence of female national and international staff amongst UNHCR and NGO staff in the camp;
4. Assign a fulltime UNHCR Camp Manager to the camp but continue with weekly presence of Field Officer, Protection Officer/Assistant and Community Services Officer/Assistant; and,
5. Use UNHCR and NGO staff presence to enhance the monitoring of protection via regular contact with security personnel, follow-up on individuals and families with specific needs, and regular dialogue with all sectors of the refugee community.

Implementation Strategy:

- Developed a schedule for UNHCR staff presence in and rotation out of the camp to allow for 24-hour coverage, 7 days per week.
- Hired and trained a UNHCR Camp Manager for full time assignment in the camp.
- Scheduled regular camp visits inclusive of overnights for female UNHCR staff.
- Developed a Protection / Community Services team to monitor protection and related activities.
- Upgraded UNHCR housing in the camp to make overnights feasible and bearable.
- Community Services implementing partner hired and trained refugee social counsellors to regularly monitor all cases with specific needs.
- Conduct regular meetings with camp security, implementing partners and various sectors of refugee community, e.g., Elders' Committee, Women's Committee, Block Leaders, to maintain communication and monitor protection.

Challenges in Implementation:

- Camp is located in a harsh, very hot desert environment that makes work conditions difficult and all but impossible during the middle of the day.
- Hiring women, especially Yemeni women, to work in the camp is extremely challenging due to culture and distance.
- The Elders' Committee is not considered representative by many refugees and does not include women in its structure, making broader communication with other sectors of the refugee community necessary albeit time-consuming.

Results to Date:

- Refugees are generally well-protected in the camp with good overall security.
- Protection concerns are addressed in a timely, efficient manner.
- The presence of female staff members, both national and international, has had a positive effect on the role and participation of refugee women in the camp.
- Regular communication with refugee groups has led to more productive meetings and discussions rather than the more aggressive, hostile meetings that can take place when communication is infrequent or irregular.
- Implementing partners are monitored and supported on an ongoing basis and, partially as a result, are stronger and providing good services.
- Camp security personnel are monitored on a continual basis thereby inhibiting abuses of authority.

Cross-References: *Protection Monitoring / SGBV / Unaccompanied and Separated Children*

Goal: Mainstream gender and child considerations into all UNHCR and implementing partner activities to ensure gender- and age-sensitive operations and programmes.

Partners: UNHCR, other UN Agencies, Government and Non-Governmental Partners

Objectives:

1. Establish an inter-unit Gender / Children Team;
2. Develop a Gender / Children Team work plan and integrate it into the Branch Office action plan;
3. Ensure registration and statistical systems and procedures are gender and age disaggregated;
4. Ensure all reporting (Country Operations Plan, Annual Protection Report and internal branch office reports) are inclusive of policy priorities and gender/age issues;
5. Mainstream gender and age considerations in all levels of operations including refugee status determination, resettlement, programming, and training; and,
6. Engage NGO implementing partners to facilitate Age, Gender and Diversity Mainstreaming in their activities and programmes.

Implementation Strategy:

- Establish an inter-unit Gender & Children Team (GCT) in the UNHCR Branch Office – Ankara. Originally created as an 'operational' organization, the GCT, in August 2001, switched its focus from programming to concentrate primarily on promoting and monitoring gender/age mainstreaming. The new objectives are:
 - Develop policies adapted to the Turkish context;
 - Promote the dissemination and adoption of those policies by individual work units, government counterparts and non-governmental agencies;
 - Monitor the results on the basis of agreed targets and indicators;
 - Analyze information gathered and assess policy and programme impact; and
 - Serve as a resource centre to act and advise on policy issues, identify solutions and ensure coordination of efforts by the member agencies.
- Develop and distribute a survey tool to gather gender-sensitive information on UNHCR persons of concern to identify needs.
- Create an Inter-Unit Committee for Special Cases in Branch Office involving members of different units as a quick response mechanism for people with special needs such as victims of rape, domestic violence and trafficking, persons with mental disabilities, and separated children.
- Develop strategies and approaches for mainstreaming gender and children throughout all activities undertaken including RSD and resettlement.
- Develop protocols for addressing gender concerns identified such as domestic violence.
- Incorporate GCT work plan into Branch Office action plan, Country Operations Plan and Annual Protection Report.

Challenges in Implementation:

- Developing commitment at senior level, field level and with NGO implementing partners.
- Recognition of need for women's empowerment to facilitate gender equality and gender mainstreaming, a need which that may require specific programmes and funding.
- Recognition that Age, Gender and Diversity Mainstreaming is an ongoing process requiring continual attention, commitment, and creative strategies and approaches.
- Recognition and evaluation of staff performance on gender and children issues by reflecting it in their Career Management System files as an objective.

Results to Date:

- 'Refugee Women's Legal Manual' created to assist social and legal counsellors to inform refugee women on their rights in the country of asylum. The Legal Manual addresses gender-related rights and issues such as domestic violence, sexual violence, honour crimes, reproductive rights, as well as legal issues and procedures relating to marriage and divorce.
- With the Senior Regional Policy Officer for Refugee Children, UNHCR Turkey engaged a Turkish lawyer to undertake a regional study entitled, 'Legal Framework Relating to Refugee Children and Other Children of Concern to UNHCR in countries of Eastern Europe and Turkey'. The research covered six thematic areas of birth registration, access to education, citizenship, access to refugee status determination, guardianship and custody, and protection from sexual abuse. The study established a comprehensive legal framework and gave specific recommendations to improve current laws.
- Improved efficiency and access to UNHCR assistance for women and girls who may not have otherwise obtained the necessary attention and help.
- Developed gender- and child-sensitive RSD procedures, including separate interviews for women and availability of female legal officers and interpreters, improving the quality and fairness of the system.
- Facilitated cooperation between various units in the UNHCR Branch Office to work on gender and children issues as a team.
- Positively impacted staff openness and attitudes regarding gender issues. Sessions such as, 'Gender Awareness Training' and 'Post-Traumatic Stress Disorder' were conducted for all UNHCR staff and relevant NGO partners. The trainings promote consistency between units and agencies in dealing with cases requiring gender-sensitivity and inform of the special needs/rights of refugee and asylum-seeker women and children who have experienced trauma, particularly women who have been raped and other at-risk cases.
- Development of In-House Guidelines on Domestic and Sexual Violence against Women and Children. The internal Guidelines provide practical and culture-sensitive information on violence and psycho-social or legal responses, considering both UNHCR's policy and guidelines and Turkish law.
- Preparation of a Turkey-specific operational assessment, with practical recommendations to develop indicators that measure impact, performance and progress in of planning, implementation, monitoring and evaluation of the mainstreaming process.
- Gender and Children issues incorporated to government trainings.

Location: Refugee camps in southern and eastern regions of Sierra Leone.

Cross-References: *Information Dissemination / Protection Monitoring / SGBV*

Goal: Refugee women, men, girls and boys play an active role in their own protection.

Objectives: Institute a system of refugee representation in each of the eight UNHCR camps that will express the views and concerns of all refugees to UNHCR, government counterparts and implementing partners, supervise the administration of justice, law and order, and provide a medium for information dissemination.

Implementation Strategy:

The major partners were invited to solicit views from refugees on how best they could participate in the management of their respective camps. From the weekly meetings and regular discussions with refugees in the camps, refugees reported that important concerns and interpersonal problems of refugees were not being adequately addressed by camp management and camp-based UNHCR staff. These issues were either not previously reported to camp management and UNHCR or could not be properly addressed by the management. Interviews with refugee women also indicated that most decision-making among the refugees was male-dominated, stating for instance, that their husbands as family heads collected and kept custody of the family entitlements including food and non-food items.

In view of these findings and in line with the High Commissioner's Five Commitments, UNHCR designed and implemented this project to address gaps and strengthen refugee participation. Refugee representation in these areas of Sierra Leone rests on three pillars:

- A Refugee Executive body elected by universal suffrage with reserved positions for women and youth;
- A Committee of Elders in advisory capacity to Refugee Executive representing the various ethnic groups and religious denominations in a given camp; and
- A Grievance Committee tasked to administer justice and by-laws (see also, Good Practice in the Administration of Justice chapter)

In practice, the Refugee Executive and Sub-Committees function in a highly structured format, beginning with the annual electoral process:

A. Refugee Executive election

- Sensitization of all refugees on the election process and the eligibility criteria for various executive positions
- Registration of refugee voters
- Submission of written applications by refugees for the various positions and presentation of candidate's platforms
- Voting by secret ballot for executive positions including: Chairman, Co-chairman, Chairlady, Co-chairlady, Male Youth Leader, Female Youth Leader, Secretary, Assistant Secretary and Public Relations Officer.

B. Sector sub-committees

- Establish membership for various sub-committees including Food/NFI, Education and Skills Training, SGBV, Health/Water and Sanitation, Shelter/Security, HIV/AIDS and Reproductive Health, Child Protection and Psychosocial Care, Agriculture and Income-generating Activities.
- Membership on the committees is open to all refugee women, men and youth who are appointed and supervised by the elected executive.
- The sector sub-committees, in addition to monitoring of implementing partners' activities in the various sectors, also advocate for refugee welfare to the partners.

C. Terms of reference

The Executive Committee meets on a weekly basis to report and plan their activities. UNHCR, the implementing partners and government representatives also participate in the meetings. Each sub-committee has terms of reference that outline their responsibilities and provide details on the modality of their work. All the actors in the camp including the host communities are informed on the terms of reference, which are used as a reference for refugee participation.

Challenges in Implementation:

- The preponderance of registered eligible voters from one ethnic background who seem to vote based on tribal sentiments.
- Few women volunteered for positions at the central level or even accepted appointments. Women tend to participate better in the Sub-Committees.

Results to Date:

- This system has facilitated extensive refugee participation in camp management and promoted transparency and accountability in provision of services.
- Refugees have a forum to voice concerns directly with partners and UNHCR, peacefully channelling refugee concerns and problems to UNHCR, camp management and implementing partners, reducing tensions and violence.
- Participation of women in camp administration and other sectors has increased to 45% in most camps following persistent sensitization over the last two years.
- The project allows refugees to participate directly in daily camp affairs and solve their problems using their cultural practices. The Grievance Committee and the Council of Elders adjudicate disputes and advise the Refugee Executive based on the UNHCR by-laws for all camps. Through participation in the Sub-Committees, refugees are aware of their entitlements and are empowered to govern their own issues. This promotes a positive culture of democratic governance and creates a sense of ownership of the project, thereby supporting sustainability both in the country of asylum and upon return to country of origin.
- Refugees have a voice in programme planning. For each camp, UNHCR organized consultation days when NGO partners reviewed current programmes with the Refugee Executive and prioritised for the forthcoming year. UNHCR shared essential programme information (budget allocations, project narratives, etc.) with refugee representatives. At the end of each consultation, participating parties (UNHCR, Government counterpart, implementing partners, operational partners, Refugee Executive) received minutes.

For further consideration

- Less female participation at senior levels of refugee representation.
- Voting tendencies favour and reinforce ethnic distinctions.

Cross-References: *Information Dissemination / Protection Monitoring / SGBV*

Goal: Involve all stakeholders in programme planning to achieve a strategic direction that is effective, inclusive and promotes accountability and ownership of programmes.

Partners: Implementing partners, operational partners, government agencies, donor communities, host community and refugees.

Implementation:

UNHCR Sub Office in Kenema (SOK) in 2003 launched a refugee-focused planning process to fully involve them in the planning process. Simply referred to as **‘Programme Outline Planning for 2004,’** the planning exercise was field/camp-based and drew participants from refugee representatives (a wide range representation including Executives, Sub-Committee members and others including children), partners (both implementing and operational) and Government representatives. The six week Programme Outline process had three phases:

| Phase/ Date | Item | Activities |
|---|------------------------------------|---|
| Phase 1 8 – 12 September 2003 | Camp-based consultations | Agencies outline 2004 proposals in each camp with refugee representatives based on the objectives of 2004 COP |
| Phase 2 13 September | Establishing high level objectives | Agencies agree on sectoral objectives and indicators |
| Phase 3 15 Sept to end Oct | Sub project submissions | Agencies seeking UNHCR funds submit proposals; initial discussions are held. |

All implementing and operational partners presented to refugee representatives their achievements, constraints, activities to be implemented. Refugees commented on implementation by the partners and graded partner performances to recommend what required improvements and what should be discontinued. Partners then explained their project proposals at sectoral levels and refugees commented. Minutes of the meetings formed the basis of the bilateral negotiations between UNHCR and implementing partners on the Sub-Projects implemented by each partner. To facilitate the discussions, UNHCR previously explained to refugees the objectives of the meetings and attempted to reach an understanding on expectations of the process. UNHCR also prepared and shared with refugees and other stakeholders’ documents including baseline data on the 2003 budget, i.e., funding per implementing partner and per sector in each camp, planned 2003 activities and outputs per sector, and a *Who is Who* chart of partners in each camp. Implementing partners prepared a table showing objectives, performance indicators according to their Sub-Projects and compared this with progress made during January to August. Although the actual financial details were not disclosed, documents on inputs/ budgetary arrangements significantly helped all stakeholders visualise the cost implications of activities. Refugees then prioritised needs in view of limited resources and based on progress made over time.

Lessons Learnt from 2003 session: Refugees made significant inputs in a more relaxed atmosphere with adequate time allowed. The implementation arrangements were better understood by refugees and NGOs alike. The process led to adopting a common approach in budgeting and implementation of the 2004 programme, including common Terms of Reference and Standard Staffing table for Camp Managing Agencies, developing a standard incentive scale for refugee employees and recreational activities. To insure broad participation, refugee representation included not only elected executives but other youths, older persons and children of both sexes. In meetings, the views expressed by other refugees not within a Refugee Committee were significant and previously unheard. One constraint was the absence of host community members, who are affected by the refugee presence but are also indirect beneficiaries of programmes. The Government representative in the National Commission for Social Action (NaCSA) was not adequate representation for the host communities.

The 2004 Process: Integration of Standards and Indicators in the 2005 Programme

SOK developed a Country Plan for the Integration of Standards and Indicators seeking full engagement of refugees and other stakeholders. As in 2003, the Plan had three phases:

| Phase/ Date | Item | Activities |
|---|--|---|
| Phase 1 October 25 | Consultations with implementing partners | Workshop to introduce Standards and Indicators to implementing partners and to jointly design strategy |
| Phase 2 Nov. 23 – Dec. 10 | Camp-based sessions | Agencies and refugees agree on sectoral indicators and outputs; partners self-evaluate existing programmes; refugees encouraged to comment on all sectors |
| Phase 3 Mid Dec. - early Jan. | Detailed sub-Project discussions | Selected implementing partners discussed their proposals and budgets with UNHCR. |

Participants were Refugee Executive members (between four and six), two members (a male and a female) from each Sub-Committee, two host community members (the Liaison Officer and any other appointed by the chief); and three participants from each agency. Several documents were prepared in advance including pie charts with proposed input and output per sector for 2005 per implementing partner. Implementing Partners complete a Standards and Indicators versus actual progress table to inform discussions on gap analysis, indicators and outputs.

Conclusions

- Conducting sessions at end of the year gives updated baseline data per camp. The current situation data is then the basis for gap analysis for each sector.
- Knowing the gaps per sector vis-à-vis the standards, refugees later appreciate prioritisation of sectors from both UNHCR and implementing partners and contribute in the prioritisation process by making a more informed 'wish-list.'
- Knowing what is planned for each sector, refugees can better monitor progress, appreciate results or raise alarm when necessary.

For further consideration:

- Need for more meaningful participation by asylum state government and local community

Cross-References: *Information Dissemination / Protection Monitoring / SGBV*

Goal: Mobilize the refugee community and develop participatory leadership structures so that the refugee community manages camp activities with the support, collaboration and monitoring of UNHCR.

Objectives:

1. Enhance the participation of refugees in the management, leadership and monitoring of all activities in the camps;
2. Promote gender equity in all camp committees and activities; and
3. Formalize the refugee committee structures with terms of reference and coordination and reporting mechanisms.

Implementation Strategy:

- Identify existing committees and mechanisms within the refugee camps.
- Assess gender balance.
- Identify gaps in service oversight and coordination.
- Decide with the refugees which committees are needed and for what purpose.
- Develop in partnership with the refugees, clear terms of reference for the camp committees including responsibilities, coordination and reporting mechanisms.
- Develop clear guidelines on committee composition to ensure gender balance.
- Refugees establish election mechanisms.
- Following elections, committees formed and function as per agreed to duties.
- Refugee committees call camp coordination meetings, record minutes of meetings, assist in the provision of camp security, provide conflict mediation services, mobilize volunteers for distributions, distribution monitoring, and the labour needs for infrastructure development.
- Refugee committees report to UNHCR and NGO Implementing Partners on results, challenges and assistance needs.

Challenges in Implementation:

- Turning over near complete control of the refugee camps to the refugee communities resulted in a lack of monitoring and oversight by UNHCR and its implementing partners such that serious SGBV incidents occurred without the knowledge of UNHCR. Refugee participation and ownership does not relinquish UNHCR and its NGO partners from responsibilities to monitor protection and programmes.
- Elections and rotation of membership on camp committees needs to be regular.
- Continued support for female representation; real participation needs to be monitored and reinforced.

Results to Date:

- The composition and terms of reference for all camp committees have been written up, agreed to and implemented in all camps including measures for accountability and confidentiality.
- Refugees are represented at all camp level inter-agency meetings.
- Refugees are involved with protection monitoring and information dissemination, as well as with the promotion of harmonious relations with local communities.

- Gender Focal Points (refugee women) coordinate between the refugee community, the government, UNHCR and NGOs on all gender-related issues including SGBV.
- Assistant Gender Focal Points (refugee men) take responsibility to ensure male participation in SGBV matters, such as through social awareness programmes.
- Refugee Community Watch Teams assist in maintaining peace and order in the camps through regular patrolling and guard duty and include both male and female volunteers.
- Refugee Sector Heads ensure all families receive food and non-food commodities according to established criteria and distribution schedules. Heads also guide refugees in completing paperwork after changes in family composition.
- Refugee men and women serve on the Community Mediation Services and mediate disputes among refugees such as cases involving unpaid debts, minor theft, and non-violent domestic disputes.
- The Distribution Sub-Committee serves as the coordinating body on distribution of all food and non-food items and ensures that all refugees receive adequate information as to their entitlements for food and non-food items. They also assist with the distributions, mobilize refugee volunteers for loading and unloading of trucks, and check and verify the quality and quantity of items provided.
- The Health Service Sub-Committee ensures that health in the camp is maintained and consults as many refugees as possible especially women, children and individuals with specific needs. They also mobilize other refugees for active participation in raising community awareness about good health practices, promote community hygiene, coordinate the supplemental feeding programme, and lead the Sanitation Management Group.
- The Infrastructure Sub-Committee is responsible for need assessment and mobilization of the necessary refugee labour for the implementation of infrastructure and water and sanitation projects in the camps. They carry out the needs assessment for shelter, sanitation and water supply and mobilize the refugees to contribute voluntary labour for the benefit of the refugee community.
- The Social Services Sub-Committee ensures that women have equal access to all project resources including incentives paid by agencies, education and income-generation activities. They also ensure that awareness-raising activities are organized to tackle discrimination and ensure that children's rights are promoted and respected within the refugee community. In addition, they mobilize volunteers to run the Child Play Centres and identify individuals and groups with specific needs and assist them in their integration within their families and communities.

For further consideration:

- Need to ensure that refugee participation does not cause complacency in UNHCR monitoring and intervention

Location: The Goz Amir Refugee Camp, Koukou Angarana, Eastern Chad

Cross-References: *Information Dissemination / Protection Monitoring / SGBV*

Goal: Quickly establish the camp, effectively manage it, monitor all activities identifying protection and assistance gaps and implementing solutions.

Objectives:

1. Effectively manage the camp ensuring transport, logistic, water supply, sanitation and community services (in partnership with the refugee community);
2. Provide a standardized and efficient program and policy for Community Services in the camp, with a particular attention to protection issues;
3. Mobilize the community and fully involve the refugees, from the very beginning, in all activities and programmes ensuring capacity-building;
4. Work with the refugee community to identify service needs and identify protection gaps and to jointly work towards finding solutions;
5. Monitor all services and activities through a strong daily presence, continual engagement and dialogue with the refugee community; and.
6. Communicate regularly with local host community to minimize difficulties of refugee integration and risks of tensions created by the assistance provided to the refugees in the midst of an already vulnerable local population.

Implementation Strategy:

- INTERSOS' key strategy is to address community services needs at the very beginning of camp establishment. Humanitarian basic assistance issues and community service issues were simultaneously addressed at camp start up.
- Camp laid in neat blocks with reception area and separate toilets for men and women.
- Ensured the availability of water 14 hours day.
- Established community service teams recruited from the local population.
- *Ad hoc* committees identified to collaborate with INTERSOS teams on the development of management and protection activities (hygiene and sanitation, maintenance, water, education, youth, vulnerability, gender).
- Women representatives' participation is ensured at all levels.
- Weekly meetings are held by INTERSOS teams and refugees committees.
- Established schools, with a special attention for kindergartens.
- Established sports recreation activities for refugee children and youth to keep them active.
- Created evening literacy classes in the schools for adults and children not attending regular schools.
- Initiated Women's Social Centers. As activity and interaction between women becomes more important it is believed the social center will become an arena where further protection issues can be heard and addressed.
- Established camp market area for refugee small trade and business.
- INTERSOS Community Services team members pay daily visits to identified individuals and families with specific needs.
- Agricultural Team Leader identified existing resources and skills amongst the refugee population regarding agriculture activities block by block in the camp, set up agriculture

teams and distributed tools and seeds. Implemented an action plan for refugees' crop production activities involving the local population.

Challenges in Implementation:

- Teacher training materials and school kits from UNICEF delayed due to the inaccessibility of roads from June to October.
- Isolation of camps from other support services.
- Rainy season is a challenge in terms of maintaining regular camp life and keeping all activities going, but to date the accessibility of the road has been maintained. The rehabilitation of the road has been done with WFP, through a Food for Work project.
- Delay of payment from donor poses problems for procurement of materials and for activities.

Results to Date:

- Camp residents appear satisfied, involved and active from the first days of camp to present-day.
- INTERSOS staff maintain a daily presence in the camp interacting with broad groups of refugees to ensure satisfactory levels of services and to identify needs and protection gaps.
- Working with and along side the refugee community from initial camp set-up has had a positive impact on refugees' attitudes.
- Following requests by refugees, INTERSOS staff started French courses for refugee teachers. The will to learn the official language of the host country and to communicate with all actors involved shows a clear feeling of integration.

Cross-References: *Administration of Justice / Protection Monitoring / SGBV*

Goal: Improve the delivery of protection in the field by improving cooperation between UNHCR and NGOs on refugee protection issues through establishment of Protection Working Groups (PWGs)

Partners: CCSDPT (Coordinating Committee for Services to Displaced Persons in Thailand)/ UNHCR / UNICEF / NGOs / CBOs (Community-Based Organizations)/ Thai Civil Society

Objectives:

1. Encourage NGOs, UNHCR and refugee communities to recognize the issue of protection as a shared responsibility.
2. Provide concrete recommendations on how to identify and address these concerns.
3. Integrate protection with assistance.

Implementation Strategy:

Sent a questionnaire by e-mail to all NGOs providing services in camps to assess the agencies' understanding and commitment to protection, followed by a seminar with agency directors and UNHCR to decide how to move forward. Out of this came the recommendation to establish a protection working group for one year and then re-assess.

A) Establish PWG in Bangkok to identify issues and recommend strategies.

- Training programme - identify, organize and facilitate appropriate trainings to raise awareness of protection issues generally and sectorally.
- Workshops at sectoral level – identify key protection issues and develop strategies for implementation in the field.
- Trainings and workshops to be accessible to UN/NGOs/refugee communities /human rights organizations /Thai civil society.

B) Establish PWGs at provincial level to operationalize recommendations and identify area specific issues. These working groups include representatives from the refugee community. Bangkok PWG to phase-down over time as Provincial PWGs become more active.

Challenges in Implementation

- Need for organizational commitment to take on protection concerns
- Staff turnover
- Lesser commitment to protection working group at field level
- Need to develop common language for training and documentation

Results to Date:

- Design of practical actions that can be implemented in the field.
- Raises the level of awareness and responsibility of people in the field towards protection.
- Encourages people to take responsibility for their communities.
- Underlies people's right to assistance.
- Engagement with Thai civil society increases understanding of refugee issues within host community, for example, through participation in workshops.

- Registration of births, an issue taken up and pushed forward by the Working Group, has been done in close collaboration with the Law Society of Thailand.
- Contingency planning working groups established to prepare for future repatriation.
- Most of PWG's activities address very specific issues and utilise specific human rights frameworks and mechanisms. For example, the Convention on the Rights of the Child for the issue of child soldiers and birth registration, the Convention on the Elimination of All Forms of Discrimination Against Women for issues related to SGBV and the frameworks we refer to (e.g., international law, customary law) when addressing issues of traditional justice systems and what should apply in the camps.
- The Bangkok PWG is linked to field operations and is therefore adapting and responding to issues from the field, but the main avenue for refugee participation is at the provincial PWG and the camps – this has still to be strengthened.

a) Sectoral Workshops and focused discussion groups held – (45 organizations participated in at least one workshop). The workshops included sessions on the following topics: Education, Food / Shelter / Water / Sanitation, Health, Sexual and Gender Based Violence, Voluntary Repatriation, refugees outside of camps, Reach Out Training on Refugee Protection.

b) UNHCR / NGO Field Guide on Protection – translated and published in Burmese.

c) Registration of Births – Thai authorities agree to provide delivery certificates for registered camp population as of June 2003, however yet to harmonize procedures border-wide.

d) Camp Justice – UNHCR leading a series of workshops to educate local Thai authorities and the refugee community on international law and Thai law and how it relates to refugees. Also looking at how internal camp justice relates to national law and when the responsibility should be handed over from within the community to the Thai authorities.

e) Provincial Protection Working Groups not yet well enough established, hence Bangkok PWG still meets regularly to maintain momentum.

Location: Luau Municipality, Moxico Province, Angola

Cross-References: *Administration of Justice / Protection Monitoring / SGBV*

Goal: Establish a municipal forum for protection capacity-building

Partners: Refugees, NGOs, Government agencies.

Objectives:

- Establish a forum, the Protection Working Group ('PWG') to debate protection issues giving a chance to all participants to become familiar with each other's activities carried out in the municipality;
- Find protection solutions that harness the maximum capacities of each actor while avoiding overlapping;
- Enhance protection in the municipality;
- Create a capable and effective tool (the PWG itself) with a wide credibility (being the result of a large consensus) that could influence decisions at the government level;
- Provide an 'avant-garde' forum where it is possible to approach areas and topics of discussion usually 'uncomfortable' for other types of fora particularly at the government level (e.g., national protection deficiencies, SGBV, harmful traditional practices, children's issues, misconduct of law enforcement forces, Code of Conduct, discrimination); and,
- Confirm rights-based approach to guide all actions, with protection principles and parameters enriched with gender considerations and analysis of children's best interests.

Implementation Strategy:

- UNHCR assumed the focal/coordination point at an initial stage gradually sharing more and more responsibilities with other participants, agencies, NGOs, local authorities and civil society representatives.
- A 'protection' meeting was called by UNHCR in order to share with the other participants the proposal for the establishment of a PWG in the municipality.
- The PWG meets regularly on a biweekly basis.
- The principle of the 'shifting chairs' guides the sessions. Each of the sessions of the PWG is chaired by a different organization/institution.
- The chairing organization presents the agenda of the day, an attendance sheet and, if needed, provides translation. The chair also drafts the minutes of that session.
- The decisions taken at each session are followed up and achievements discussed at each session.
- The agenda normally reflects those protection issues the chairing organization considered important for discussion. The agenda always reserves some time for the discussion of other issues indicated by those participants not chairing the session.
- The chair is responsible for organizing the work so not to exceed the three hour meeting limit.
- Individual complaints are avoided and filed with respective organizations.
- PWG serve as focal point for joint visits in the municipality;
- The principle of the 'open door' enables potential new participants to join the group; organizations and institutions with a clear, or partial, interest in protecting returnees

(refugees, groups with specific needs, reintegration initiatives) are encouraged to join the group; equal representation of international agencies, NGOs, government authorities and civil society representatives is preferred;

- The PWG drafts resolutions (not binding) and establishes communication with external actors (for example, a letter signed by all PWG participants was sent to the municipal administrator to raise the problem of the imminent deadline of free birth registration programme. Additionally, an action plan for the protection of children in the municipality was drafted by the PWG for consideration in the formulation of future activities by all participants.)

Challenges in Implementation:

- General lack of training on the legal aspects of protection (by authorities, NGOs and civil society groups) results in some reluctance to take action. All this suggested a gradual approach to the issues relying on progressive capacity-building;
- Tendency to use the PWG for individual complaints.

Results to Date:

- Increase in the 'will to protect' with a decrease in the distance between the government and civil society.
- PWGs create a unique venue for representatives of various Ministries to discuss and coordinate protection strategies;
- Authorities are more aware of protection work done by colleagues and international partners.
- Relevant achievements in capacity-building.
- Increased credibility and recognition of PWG as monitoring tool.
- Inclusion of gender and children rights' considerations in all discussions involving the role of the government, the police and the Ministry for Reinsertion.
- Participants were called on in several occasions to resolve situations affecting children and women. Gender considerations and international law covering these aspects were in constant review during the sessions.
- Amongst the participants of the PWG, there was an equal distribution of women and men.
- PWG worked as focal point for the Code of Conduct and High Commissioner's 5 Commitments to Refugee Women.
- Dangerous traditional practices were discussed in the PWG. The participation of traditional and religious leaders in the PWG helped in moving the discussion to concrete examples and addressing community expectations.

Cross-References: *Information Dissemination / Protection Monitoring / SGBV / Unaccompanied and Separated Children*

Goal: Through participatory research with refugee and returnee children, provide practical strategies and interventions, including those designed by children, for the improvement of programmes relating to the prevention of and responses to violence against refugee children in three different refugee situations in Southern Africa.

Partners: Jesuit Refugee Service, Cape Town Refugee Centre, COD, Lutheran World Federation.

Objectives:

1. Contribute the voices of refugee and returnee children to the UN Secretary-General's Study on Violence against Children and the Regional Consultation for Eastern and Southern Africa
2. Strengthen programmes for children and SGBV programmes in particular in the Southern Africa region to improve prevention and response for refugee and returnee children
3. Build the capacity of UNHCR and partner staff working with children

Implementation Strategy:

- A qualitative participatory child-centred approach was used in the research study as it was important to understand the issues from the point of view of children
- Interaction with children consisted of two-day workshops with 12 children (6 boys and 6 girls) in two age groups (10-12 and 13-18) in each of the three settings (returnee children in a return and integration situation in a small town in Moxico Province, Angola; refugee children living in an urban setting in Johannesburg and Cape Town, South Africa; refugee children in Mayukwayukwa Refugee Settlement in Western Province, Zambia). In all, 97 children participated in the research
- Informed consent is an important principle when working with children. A child-friendly information note, explaining the purpose of the study, was given to the children who participated in the study. The note was produced in English and Portuguese. Letters were also sent to the children's parents or guardians before the research was conducted giving information about the research and asking for parental permission
- Local UNHCR and partner staff selected the children representing a cross-section of the refugee population and children with specific needs, e.g. unaccompanied and separated children, children out-of-school, etc.
- Drawing was used as a medium to engage children in discussion about their experiences of violence, their protection strategies and their solutions for combating violence. A series of activities and games were also integrated into the workshops which were designed to break down power relations between adults and children, and to start and end each day on a positive note. The drawing involved a layering technique aimed at building the children's confidence with the art materials and the research methodology. Each drawing exercise was followed by discussion in genders-specific groups
- These discussions were taped and transcribed and the transcripts became the data on which the findings of the research were based

- A process of triangulation was used in analysing the data in order to verify what children described, information was compared across age groups and interviews were conducted with UNHCR and partner staff
- All discussions were conducted in the children's home language. The researchers were accompanied by a local interpreter and UNHCR and partner staff who were familiar with the local context
- Alongside the research process, a capacity building and training process for staff on how to work with children was implemented

Challenges in implementation:

- It is important that this kind of research process is facilitated by personnel who are experienced in working with children. It is very important that they understand and are sensitive to the ethical issues involved in this work, particularly the principles of informed consent, confidentiality and minimising harm
- To follow up the process with an adequate response to ensure that the information provided by the children is adequately used

Results to date:

- A report was published documenting refugee and returnee children's experiences and views of violence, their protection strategies and solutions to the problems of violence in Angola, South Africa and Zambia. The report also documents the research process and provides a number of tools and materials related to child participation
- A child-friendly version of the report was published for the children who participated in the study
- The report was presented at the Regional Consultation on the UN Secretary-General's Study on Violence against Children for Eastern and Southern Africa
- Psycho-social support for children – using art as a medium to discuss issues and problems – similar methodology as the one used for the research study described above
- Establishment of peer support groups – including additional training for NGOs to support the groups
- Dialogues involving refugee children, care givers/parents, UNHCR/partner staff and service providers with a view to integrating refugee children and their issues into national programmes to combat violence
- Workshops for children and their care givers on child rights
- SGBV training for police/military and other service providers responsible for security
- Training for UNHCR/NGO staff on SGBV and child-friendly approaches
- Recreational and sports activities for children and youth
- Similar research/training conducted in the other countries in the Southern Africa region
- Methodology is integrated as part of the age, gender and diversity mainstreaming strategy in the Southern Africa region

Cross-References: *Information dissemination / SGBV / Separated and Unaccompanied Children.*

Goal:

Protect the rights of refugee children by promoting a forum for children in the camps; to stop child labour, child trafficking, sexual exploitation and child abuse by promoting social awareness with children themselves being advocates for the same.

Partners:

Lutheran World Federation (LWF), refugee children, CARITAS, Association of Medical Doctors of Asia and Nepal Bar Association (NBA) - Jhapa Unit

Objectives:

1. Raise awareness of refugee children and their guardians on the rights of children and the need to protect them.
2. Help children develop leadership and communication skills.
3. Create an environment whereby children are able to lead their lives free from fear of child labor, child trafficking, sexual exploitation and child abuse.
4. Ensure that children lead a physically, mentally and socially healthy life.
5. Make children use their after school hours in a more productive manner contributing to their own development and community development.
6. Increase the participation of children in community development by promoting community awareness on various social issues and contributing to specific activities such as environmental sanitation, volunteering in health clinics, etc.
7. Raise awareness and disseminate information on the Child Rights Convention through carrying out various activities for promotion of child rights and protection of the refugee children.
8. Motivate the children to participate in off hours for personal and community development activities.

Implementation Strategy:

Overall implementation strategy for protection and promotion of the child rights at the community level remain with the children forum whereas the camp management committee and working partners in the Bhutanese refugee operation provide guidance, support and monitor the activities.

- Refugee camps in Nepal are divided into sectors and sub-sectors. Children's Forum consists of children between 7-18 years and in camps.
- Camp Level Forum comprises of members selected from sector forum and sector level forum remains under the camp level forum.
- A camp advisory committee is formed, which includes members of camp management, Implementing Partners and the field assistants of UNHCR. They jointly appoint the children forum facilitator and support and provide guidance to the forum in carrying out their activities.
- A facilitator, usually a refugee incentive worker at the camp level, who is appointed by a selection committee formed from the advisory committee, coordinates all forum activities.
- The children form a small administrative structure to ensure that a line of command exists and activities are carried out in a smooth fashion. They also form sub-committees to

concentrate on specific activities such as rights protection sub-committee, arts and culture sub-committee and age-stratified sub-committees.

- An annual work plan for the implementation of programs is made by the Children's Forum based on the recommendations of the sector children's forum.

The work plan generally includes specific activities planned for the year a sector level and at camp level. The activities broadly include:

- Regular meetings at sub-sector and at camp level.
- Publication of monthly magazines 'The child creation' and 'Bal Sirjana' highlighting their activities and carrying messages related to children issues.
- Prepare monthly wall bulletins highlighting appeals to respect child rights and stick them at a prominent place in the camps.
- Conduct of arts, street drama, song competition and cultural programme in the camps for entertainment and for raising social awareness in the community.
- Organizing sports activities.
- Forum representatives meet parents of school drop-outs to encourage them to send their children back to school.
- Participate in skills development trainings conducted by LWF.
- Report child abuse, SGBV and child labour incidents to the facilitator and to the advisory committee.
- To bring children with disabilities to the mainstream and recognize and develop their skills.
- Promote the spirit of volunteerism by participating in community development activities.

Challenges in implementation:

- Dedicated refugee incentive workers were needed to keep the forum intact.
- Sustained funding to the programme has to be ensured.
- New and innovative programmes must be constantly developed to keep the children interested and motivated.
- Children must understand need to work against the various violence related issues in the refugee camps, but maintain the confidentiality and the best interests of the child.

Results to date:

- Incidence of child abuse and social problems concerning children considerably decreased.
- 'After school hours' have been productively utilized by the conduct of sports and recreational activities.
- Interest of children sustained. Uninterrupted publication of the children's monthly magazines and the continuous ongoing meetings shows their sustained interest.
- Hidden talents of several children discovered and further developed.
- SGBV and child abuse incidents are promptly informed to facilitate action.
- Community awareness on child rights considerably improved.
- Rights of girl children protected with their equal participation in the forum.
- Disabled children participate in activities and understand they can contribute to society.
- Several school drop-outs already reinstated in schools due to the efforts of Children's Forum.
- Children effectively utilized to disseminate health messages in specific health campaigns.
- Workshops for children and their caregivers on child rights.
- Door-to-door visit programs carried out by the Children's Forum facilitator or other members.

6 Registration and documentation

Pakistan / Afghan refugees / Birth certificates to Afghan infants born in Pakistan. Barkali camp. / UNHCR / J. Redden / January 2004



Agenda for Protection, Goal 1, Objective 11,

“Strengthening Implementation of the 1951 Convention and 1967 Protocol”

“Better registration and documentation of refugees”

The registration of refugees and asylum-seekers is, first and foremost, a key protection tool. Adequate registration, including the issuance of documentation, is a first step in the legal and physical protection of refugees. Registration can help protect refugees from *refoulement* and forcible recruitment. It can ensure access to basic rights, preserve family unity, promote family reunification, help to identify persons in need of special assistance, and provide information crucial to finding appropriate durable solutions. Registration is also a primary source of information about persons of concern to UNHCR: who and where they are, their problems, needs and strengths.⁶⁶ In short, registration and subsequent documentation can and should be the starting point from which all assistance and services flow.

The value of refugee identity documents lies in their role confirming an individual’s entitlements to certain rights as a refugee. The legal authority and impact of the refugee identity documents must be negotiated with the authorities of the country of asylum prior to the registration exercise. At a minimum, such documents should protect refugees from *refoulement*, enable them to access RSD procedures, allow for lawful residence in the host country, ensure identification and protection by law enforcement authorities, as well as guarantee access to essential services such as primary education and basic health care.

Refugee registration is the recording, verifying and updating of information on persons of concern to UNHCR with the aim of protecting and documenting them and of implementing durable solutions.

Registration remains the responsibility of States.⁶⁷

While States have the primary responsibility to register and document refugees, in reality, many host countries require UNHCR’s direct involvement, support and technical assistance to undertake this task.⁶⁸ Registration in camp settings should always be undertaken in co-operation with the camp manager to avoid duplication of effort, to secure the range of information needed by all parties and to share such information as appropriate, including with respect to confidentiality concerns.

In keeping with the Executive Committee Conclusion on Registration of Refugees and Asylum-Seekers (No. 91 (LII) 2001), and bearing in mind confidentiality requirements regarding the use of data, States to register and document female and male refugees and asylum-seekers on their

⁶⁶ UNHCR, *UNHCR Handbook for Registration: Procedures and Standards for Registration*, Population Data Management and Documentation, Provisional Release Edition, Geneva: September 2003, p. 6-7.

⁶⁷ *UNHCR Handbook for Registration*, p. 5-6.

⁶⁸ In UNHCR’s role to assist States in fulfilling their responsibility to register refugees, UNHCR has initiated Project Profile. Project Profile seeks to strengthen UNHCR’s field capacity to enumerate the size of the refugee population more accurately, as well as to collect, analyse and use population information effectively for protection, planning, implementation and monitoring purposes. See also, *UNHCR Handbook for Registration*, p. 5.

territory on an individual basis as quickly as possible upon their arrival, in a manner which contributes to their security, their access to essential services and their freedom of movement.

States, UNHCR and other relevant partners to use registration data to identify and make specific assistance and protection arrangements, where appropriate, for: women with any special protection concerns, unaccompanied and separated children, child- and single-headed households, as well as handicapped refugees and the elderly.⁶⁹

The capture and maintenance of accurate information provides all actors with a common source of information and a starting point to target assistance and services. Registration, however, is not merely linked to assistance and services. UNHCR and the host government have a responsibility to register all refugees irrespective of whether they need assistance or whether assistance is available. Registration should be the first step to develop a dynamic relationship between UNHCR and the refugee population.

Caution, however, is necessary because personal information is a sensitive commodity. Refugees' personal data should be strictly protected. Measures such as restricted access to data in physical and electronic form and the introduction of procedures for data-sharing are necessary to safeguard the integrity of personal data, to reduce the possibility of misuse and to avoid exposing refugees to potential protection risks in the country of asylum or origin.

UNHCR's Executive Committee has set guidelines for all registration processes:

- Registration should be a continuing process that records essential information at the time of initial displacement, as well as any subsequent demographic and other changes in the refugee population (such as births, deaths, new arrivals, departures, cessation, naturalization, etc.).
- The registration process should respect the fundamental principles of confidentiality.
- The registration process should to the extent possible be easily accessible and take place in safe and secure locations.
- Registration should be conducted in a non-intimidating, non-threatening, impartial manner, with due respect for the safety and dignity of the refugees.
- Personnel conducting the registration, including, where necessary, refugees and asylum-seekers, should be adequately trained, should include a sufficient number of female staff and should have clear instructions on procedures and requirements for registration, including the need for confidentiality of information collected; special measures should be taken to ensure the integrity of the registration process.
- Refugees should be registered on an individual basis and the following basic information being recorded: identity document and number, photograph, name, sex, date of birth (or age), marital status, special protection and assistance needs, level of education, occupation (skills), household (family) size and composition, date of arrival, current location and place of origin.⁷⁰

⁶⁹ *Agenda for Protection*, Goal 1, Objective 11.

⁷⁰ Executive Committee Conclusion No. 91, *Registration of Refugees and Asylum-seekers*, 2001 Executive Committee of the UNHCR Programme (52nd Session), para. (b)(vi).

The registration of refugees is, in practice, their first step to access all forms of assistance and basic services such as food, shelter, education, health care-Failures of registration systems can therefore have a disastrous impact on their security and survival.

“Registration” consists of a number of related activities including the registration process, the documentation of refugees and others of concern, as well as data management and exchange.⁷¹ Registration should be on an individual basis,⁷² but can, in addition, reflect the various types of groups to which an individual belongs (household or asylum case). Registration ensures that each family member is independently recognized, which has important implications for women and children. Additional registration information is required for separated and unaccompanied children.⁷³

Additionally, all refugees have the right to have their births⁷⁴, marriages and deaths recorded in a civil registration system and to be provided with appropriate documentation and certification. This is a host country government responsibility but may require the support and assistance of UNHCR and NGO partners. Registration of these events is crucial for legal recognition, to prevent statelessness, for inheritance, and family unity especially in situations of resettlement and repatriation. Registration activities will be most successful when the refugees themselves are involved in designing, preparing and implementing them.⁷⁵

Challenges

In order to remain effective and relevant, the registration of refugees must be a continuous activity - updating population changes and include a de-registration process for those who have repatriated, resettled, been naturalized, been affected by cessation clauses, or have died.

Although registration is a cornerstone of protection, it presents many challenges in actual implementation. It is a cumbersome, **labour-intensive** process that requires **thoughtful planning** and **careful execution**. The field faces numerous obstacles in registering refugees and in keeping that registration data current. The **lack of resources** often makes the individual registration of refugees very difficult and can hamper keeping the data up-to-date thereby making the initial registration data ineffective. **Confidentiality** of registration data is also a challenge for UNHCR and government counterparts.

⁷¹ UNHCR *Handbook for Registration*, p. 17.

⁷² Note Commitment #2 of the High Commissioner’s Five Commitments to Refugee Women: 100% individual registration and documentation of refugee women and men.

⁷³ Refer to Annex at the back of this Guide.

⁷⁴ Refer to the *Convention on the Rights of the Child: Article 7*

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

⁷⁵ UNHCR *Handbook for Registration*: p. 31.

Multiple registrations, the lack of consistency and uniformity in registration, the **falsification of documents** by refugees or host community members posing as refugees, and the **non-registration of new arrivals** also render initial registration data circumspect especially when using aggregate population data for the planning of assistance levels. Further, the **registration of refugees by families instead of individually** can have a negative impact on refugee women especially those who are later abandoned or abused by their spouses. Likewise, the misuse of food and non-food items has been noted in multiple locations when only distributed to registered males.

Government reluctance or inability to issue identity documents can result in arrest, detention, and deportation of ‘undocumented’ refugees. Women also report harassment at checkpoints when they travel outside the camp when without their own registration documents.

The refugee community, too, may present challenges and obstacles in registration ranging from **illiteracy, lack of comprehension** about its importance, **manipulation** of some refugees by others, **multiple registrations** for real or perceived access to additional material assistance, **misunderstandings** about the collection and use of the data, or **unwillingness to cooperate** with the registration process.

Additional registration and documentation challenges include the **lack of a proper de-registration** for refugees who have repatriated; the **lack of photo documentation** which makes verification difficult; and, the selling and **counterfeiting** of ration cards by refugees. **Birth, death and marriage certificates may also not be issued**, severely complicating the implementation of durable solutions. In short, when the knowledge of the size, identity and profile of the population is limited, protection and assistance interventions cannot be reliably targeted or resources effectively managed.

Checklist Registration

I. In emergencies

- ✓ Identify host government counterparts for registration activities.
- ✓ Assess capacities of host government counterparts and training and technical assistance needs.
- ✓ Develop plan of action for government or joint government – UNHCR registration including addressing training and resource needs.
- ✓ Involve Project Profile, UNHCR - Geneva.
- ✓ Delineate roles and responsibilities with NGOs and the refugee community.
- ✓ Jointly plan pilot or full registration exercise – based on the size of the refugee community and available personnel resources (UNHCR, government, NGOs and refugee representatives).
- ✓ Assess needs, challenges and possible pitfalls and how to address them.
- ✓ Carry out sensitization campaign with refugee community.
- ✓ Pilot registration exercise with one camp or one group of refugees – focused on individual registration of every targeted refugee women, man, girl and boy.
- ✓ Ensure that refugees with specific needs are identified.
- ✓ Develop/utilize data base for collection, storage and retrieval of all refugee registration data including data disaggregated by age and gender.
- ✓ Evaluate pilot to assess strengths, weaknesses, and areas for improvement.
- ✓ Modify / adapt registration according to lessons from pilot.
- ✓ Continue registration exercise until all refugees are registered with individual documentation.
- ✓ In partnership with host government, determine how best to register births, deaths and marriages within the refugee community.

II. In stable situations

- ✓ Develop mechanisms for continuous registration to keep all data current.
- ✓ Conduct verification/re-registration exercises, as necessary.
- ✓ Ensure that de-registration mechanisms are in place for refugees who have died, repatriated, or been resettled.

Registration

Guidelines

- Camp Management Project/Norwegian Refugee Council, *Camp Management Toolkit*, 2004. (Available at www.nrc.no/camp).
- UNHCR, *Confidentiality Guidelines*, UNHCR/IOM/71/01, UNHCR FOM/68/01, Geneva: 24 August 2001.
- UNHCR, *Confidentiality of Information Concerning Individual Refugees or Asylum-Seekers in Discussions with Countries of Origin*, UNHCR/IOM/12/90, UNHCR FOM/12/90, Geneva: 12 February 1990.
- UNHCR, Executive Committee Conclusion 22. *Protection of Asylum-seekers in Situations of Large Scale Influx*, Geneva: 1981.
- UNHCR, Executive Committee Conclusion 35, *Identity Documents for Refugees*, Geneva: 1964.
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- UNHCR, *Handbook for Emergencies*, 2nd Edition, Geneva: June 2000.
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- UNHCR, *Practical Guide to the Systematic Use of Standards & Indicators in UNHCR Operations*, First Edition, Geneva: January 2004.
- UNHCR, *Women, Children and Older Refugees: The Sex and Age Distribution of Refugee Populations with a Special Emphasis on UNHCR Policy Priorities*, Population Data Unit, Population and Geographic Data Section, 19 July 2001.

Other helpful references

- UNHCR, *Practical Aspects of Physical and Legal Protection with Regard to Registration*, Global Consultations on International Protection, 1st Meeting, EC/GC/01/6, Geneva: 19 February 2001.
- UNHCR and NGO partners, *Protecting Refugees: A Field Guide for NGOs*, Geneva: May 1999.

Good Practices

Registration and Documentation

Individual Refugee Registration Project – Yemen

Extraordinary within the Yemen project is the full participation of the Government of Yemen, the individual registration of each refugee followed by the issuance of individual identity cards with photos, and the impact it has had on the freedom of movement for refugees.

Registration of Refugees at Osire Refugee Camp – Namibia

The registration in Namibia is an example of working with government and NGO partners and provides a mechanism for continuous registration and a reliable data and photo database that supports voluntary repatriation.

Registration of Births - Pakistan

Addresses an often overlooked issue and does so with the support of the host country, the involvement of the refugee community and the support of the country of origin, thereby assuring that the documents will be recognized upon return.

Location: Sana'a and 11 other Yemeni cities including the Kharaz Refugee Camp

Cross-References: *Protection Monitoring/Registration*

Goal:

- Co-register (UNHCR/GOY) all refugees and asylum-seekers in Yemen
- Create a registration project that is a model in the Arab world of co-operation between UNHCR and a government in refugee protection.

Partners: Government of Yemen ('GOY'): Several Ministries and Directorates (Ministry of Interior, Ministry of Foreign Affairs, Political Security, Immigration Authority) in addition to refugee community representatives.

Objectives:

1. Assist the GOY to implement its international obligations as a signatory to the 1951 Refugee Convention and 1967 Protocol.
2. Provide refugees with international protection in conformity with international standards related to their registration.
3. Issue individual refugee ID cards.
4. Obtain statistical, legal, demographic and humanitarian information on refugees as individuals and as groups, supporting the provision of necessary protection to refugees by the partners (GOY and UNHCR).
5. Improve effectivity of UNHCR assistance programs for registered refugees.
6. Provide document of legal status to refugees detained due to lack of registration or documentation.
7. Implement the HC's Five Commitments to Refugee Women.

Implementation Strategy:

- Prepare feasibility studies and Plans of Action prior to implementation.
- Meet with counterparts NSCRA (National Sub-Committee for Refugee Affairs of GoY) and hold open discussions with the refugee community representatives.
- Meet regularly with Implementing Partners to discuss and delineate roles.
- Train a national GoY registration team: a three day workshop for all government officials dealing with refugee issues. Train the local authority registration teams in each of the ten governorates.
- Create a system to collaborate with NSCRA to open six permanent registration centres to maintain a constant registration process in Yemen.
- Involve refugee community representatives/elders in the registration process. Invite female refugees to participate as organizers, assistants, interpreters.
- Undertake a registration awareness campaign through the national and local media on the importance of registration.

Challenges in Implementation:

- GoY reluctance to approve opening of six registration centres fearing that, once opened and functional, UNHCR would phase-out and leave burden to Yemen.
- GoY fear of creating pull-factor.

- GoY exaggeration of number of refugees in Yemen, even after the countrywide registration survey jointly carried out. GOY insists it hosts 10 times number of refugees actually registered.
- Refugees fear registration may prolong their stay in Yemen and decrease chances for resettlement.

Results to Date:

- Seven hundred officials and media workers were trained on 1951 Refugee Convention and human rights during 2002 - 2004.
- The joint (HCR-GoY) registration team visited 11 Governorates/12 Yemeni cities and registered 47,000 urban and camp-based Somali refugees and 600 Ethiopian refugees.
- All refugees thus far registered (47,000 Somalis and 600 Ethiopian) have received individual registration cards, including photo ID and blood type.
- A joint plan has been prepared to register some 800 later arriving Ethiopian Oromo refugees.
- Negotiations ongoing between UNHCR and NSCRA concerning:
 1. Registration of non-Somali refugees and asylum-seekers of 15 nationalities and
 2. Opening six permanent registration centres in six governorates.
- A sharp reduction in number of arrests and detention of Somali refugees by Yemen security forces and an increase in the relative freedom of movement following the issuance of refugee ID cards.
- By registering and obtaining a co-signed HCR-GoY refugee card, the registered refugee is protected by:
 1. Obtaining legal status and documents recognized by GoY-UNHCR.
 2. Reducing arrest and detention for illegal entry or lack of legal documents.
 3. Legalizing individual and group movement inside Yemen.
 4. Detecting refugees' irregular movements through neighbouring countries to better understand reasons of this movement and better address it in the future.
 5. Easier access to social and economic rights, such as obtaining work permits, legalizing personal status in relation to marriages and newborn babies' documentation.
- Obtaining refugee data helps identify immediate protection needs (individuals and groups with specific needs), and plan long-term solutions, e.g., by improving UNHCR assistance programmes, reintegration, employment, or ascertaining need for resettlement based on security, medical or humanitarian grounds.
- The registration process itself provided refugees with basic human rights information re their country of asylum, such as right to freedom of movement, work, education, access to judicial system, etc.

Cross-References: *Protection Monitoring/Registration*

Goal: Conduct a comprehensive, continuous registration of all refugees in the Osire refugee camp and create a database with all information.

Partners: UNHCR, Government of Namibia, AFRICARE, AHA, JRS

Objectives:

1. Obtain more reliable statistics on the refugee population in the camp to improve protection. Program planning, and the distribution of humanitarian assistance.
2. Enhance the quality of the data collected, including a photo database.
3. More effectively identify individuals and groups with specific needs, including protection cases.
4. Register refugees as a tool for voluntary repatriation and documentation.
5. Gather data on intentions and places of return of Angolan and Rwandan refugees.
6. Gather more accurate information on non-Angolan refugees for refugee status determination and possible durable solutions.

Implementation Strategy:

A one-time registration of the refugee caseload was completed. The data obtained is kept in a database that includes a text and a photo database. Registration is an ongoing daily activity, capturing changes in the refugee population such as births, deaths, new arrivals, and departures.

Challenges in Implementation:

- Some refugees, although registered in the camp, do not physically reside at the camp. However, they still wish to receive humanitarian assistance.
- The refugee urban caseload was not included.
- UNHCR Namibia had to identify and train a database manager.
- In the context of voluntary repatriation, electronic transfer of the data is sometimes difficult due to limited communication facilities in the camp.

Results to Date:

- UNHCR Namibia has accurate information on every individual refugee residing at Osire camp including photos.
- The database helps identify individuals and groups with specific needs.
- The registration and database assists the preparation and organization of voluntary repatriation movements.
- The registration and database provide more accurate statistics on refugee population.
- Ration cards from registration process systematically issued to refugee women.
- Women have better access to individual registration and voluntary repatriation forms.
- Women are at the core of food distribution in the camp.
- Registration has become a tool to identify possible resettlement cases.

Location: North West Frontier Province, Pakistan

Cross-References: *Protection Monitoring/Registration*

Partners: UNHCR, Government of Pakistan, Government of Afghanistan, Refugees

Goal: In collaboration with the Government of Pakistan, develop and implement system of birth registration for Afghan refugees in the North West Frontier Province (NWFP).

Objectives:

1. Verify current birth registration practice in Pakistan for Pakistani nationals and review relevant national applicable laws;
2. Liaise with Government authorities on proposed birth registrations in NWFP to solicit their support, endorsement and involvement;
3. Verify birth registrations underway in Afghanistan to ensure compatibility and recognition;
4. Inform and involve the refugee community; and,
5. Develop and implement a strategy for undertaking birth registrations in the refugee camps and settlements in the North West Frontier Province.

Implementation Strategy:

- Secure approval by CAR (Pakistan Commission for Afghan Refugees) for the registration of refugee children's births.
- Develop and discuss with CAR/PDH (Project Directorate Health) on the modalities of facilitating the registration process.
- Ensure that all those that need to be involved are aware of these modalities.
- Ensure that the birth certificate or proof of birth registration is compatible with that issued in Afghanistan.
- Get the refugee community 'on board' by sensitising them on the importance of birth registration. Their active participation on this initiative is crucial for its success.
- Take all possible steps to ensure the use and acceptance/recognition of the birth certificates in Afghanistan. Apart from translation in Pashto and Dari, it was necessary to meet with the Afghanistan Consulate and MORR (Afghan Ministry for Repatriation and Reconstruction) to get them to agree to endorse the certificate to be given to the refugee children. If possible this endorsement should be free of charge.
- Inform colleagues in Afghanistan of the initiative so they can promote acceptance of the document in Afghanistan.

Challenges in Implementation:

- Reluctance by some local government officials to register births of non-nationals for fear that doing so may entitle the registered child to claim Pakistani citizenship.
- Size and distribution of refugee population: NWFP hosts 80% of the refugees in Pakistan, some 1.2 million persons of concern, the majority of who live in 154 refugee villages and camps.
- High birth rate of Afghan refugee population (currently estimated at 4.5%) with children comprising more than 50% of the refugee population (and 67% of the population in the 9 new camps as of 30 July 2003).

Results to Date:

- Because authorities in Afghanistan with the support of UNICEF were also embarking on a birth registration campaign, the initiative examined the format used in Afghanistan and attempted to follow it as closely as possible so as to enhance the likelihood of acceptance and recognition upon return.
- The birth registration certificates are written in English on one side and in Dari and Pashto on the other. Prior to the full implementation of the procedures for registration in all new camps, a pilot test was made in Barkali camp (Bajour) in December 2003.
- The initiative was officially launched in January 2004 following an extensive campaign to educate about the importance of birth registration.
- Meetings with the Afghan Consulate to obtain their agreement to validate the certificates also met with a very positive reaction. The birth certificates issued to refugee children in NWFP are certified and validated by Consulate free of cost.
- Actions to promote recognition of the certificates in Afghanistan are being discussed with colleagues in Kabul.
- All babies born in the new camps since January 2003 have been registered and the certificates given to the families and an assessment of implementation modalities is currently underway for carrying out the same in the old camps.

7 Sexual and gender-based violence: prevention and response

Sudan / IDPs / Miriam, 18, and her twin baby girls, talking with UNHCR staff who came to enquire about her health. Miriam was raped by Janjaweed when she was 16 and later gave birth to what her community calls "Janjaweed babies". She describes her attackers as "Arabs who resemble my babies". "I went with two other girls and a woman to collect wood outside of my village. A group of four men threatened us with guns. They tied our hands behind our backs, then they whipped us. Then they raped us". The men of her village tried to trace the perpetrators and also reported the incident at the nearby police station. But the rapists were never found. Miriam says that her grandmother washed her and that the men and women of her village prayed for her and the other girls. 'For them, it is like they are losing someone. They kept saying: it is the will of God'. Miriam gave birth in an IDP camp and was assisted by UNHCR before she was offered a temporary job by a medical NGO. West Darfur. / UNHCR / H. Caux / August 2005



Agenda for Protection Goal 4, Objective 4

“Prevention of age-based and sexual and gender-based violence.”

Sexual and gender-based violence (SGBV) against persons of concern has received much media attention of late. Sexual exploitation scandals in West Africa and Nepal have raised awareness of the problem and deeply shocked and troubled the humanitarian community. Likewise, globally more is known about harmful traditional practices such as female genital mutilation, forced marriages, and the selling of child brides. Certainly, SGBV is not new. It occurs in stable communities that have not suffered displacement. However, it is also a problem within refugee and other displaced communities, between refugee and host communities, and, at times, involves humanitarian workers.

Acts of sexual and gender-based violence violate a number of human rights enshrined in international instruments.⁷⁶ These include the right to security of person, the right to the highest attainable standard of physical and mental health, the right to freedom from torture or cruel, inhuman, or degrading treatment and the right to life.

Sex: Refers to biologically determined differences between men and women that are universal and not changeable.

Gender: Refers to the social differences between men and women that are learned, changeable over time and have wide variations both within and between cultures. Gender is a socio-economic, cultural and political variable to analyse roles, responsibilities, constraints, opportunities and needs of men and women in any context.⁷⁷

While not excluding boys and men, sexual and gender-based violence most often targets girls and women. Unaccompanied women and female heads of household are at the greatest risk of being subjected to sexual violence. Children, too, are particularly vulnerable to sexual abuse given their high level of trust. The unmet needs of children and other groups with specific needs, such as female heads of household and persons with disabilities, and the inability to meet such needs, are major factors in the sexual abuse and exploitation that occurs. Unaccompanied children and children in foster families are at special risk. Humanitarian workers should be aware that the old, the infirm, and persons with disabilities too are vulnerable to attack. Furthermore, refugees of all ages and both sexes face a significantly increased risk of sexual violence when in detention or detention-like situations. Humanitarian workers need to be aware that rape is unacceptable in all cultures and that it is unacceptable to use culture to excuse a lack of response to rape and sexual violence.⁷⁸

⁷⁶ Universal Declaration of Human Rights, 1948, Articles 3 & 5; *International Covenant on Economic, Social and Cultural Rights*, 1966, Article 12; *International Covenant on Civil and Political Rights*, 1966, Article 7, *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, 1984, Articles 1 & 4.

⁷⁷ UNHCR, *Gender: Training Kit on Refugee Protection Handbook*, Geneva: December 2002, p. 28.

⁷⁸ Women's Commission for Refugee Women and Children, *A Synopsis of the UNHCR Guidelines on the Protection of Refugee Women*, New York.

Sexual and gender-based violence is violence directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men, boys and girls can be victims of gender-based violence, women and girls are the main victims. Sexual and gender-based violence shall be understood to encompass, but not be limited to, the following:

- a) Physical, sexual and psychological violence occurring **in the family** including battering, sexual exploitation, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b) Physical, sexual and psychological violence occurring **within the general community**, including rape, sexual abuse, sexual harassment and the intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c) Physical, sexual and psychological violence **perpetrated or condoned by the State and institutions**, wherever it occurs.⁷⁹

Women and girls are vulnerable to sexual and gender-based violence in times of armed conflict. They are raped, abducted for sexual exploitation and forced into marriages and prostitution. Refugee and IDP women and children are especially vulnerable to sexual exploitation by armed groups, other refugees, humanitarian workers and peacekeepers. Additionally, refugee and IDP children are often directly targeted by parties to conflict, with boys and girls abducted for forced labour, sexual slavery and forced recruitment.

Sexual exploitation and abuse occur in many different environments. In humanitarian crises, the dependency of affected populations on humanitarian agencies for their basic needs creates a particular duty of care for humanitarian workers. Managers are responsible to ensure there are proper mechanisms to prevent and respond to sexual exploitation and abuse. This is especially necessary given several features of humanitarian crises:

1. In the absence of economic opportunities for displaced populations, commercial and exploitative sex may become one of the few options for income generation to meet basic needs;
2. Refugee communities often come from an environment of gender-based violence with which community structures collude. Unless proper safeguards are put in place, the same patterns continue or exacerbate during displacement; and,
3. Whatever the usual social protections in place prior to crisis, these may be left behind or no longer function. Levels of protection and security are generally poor; justice and policing frequently do not exist in the displaced environment.⁸⁰

Inadequate distributions of both food and non-food items also expose women and children to potential exploitation. Desperation and the desire to provide for one's self and family may lead women and children to trade sex for money, food and other needs.

⁷⁹ UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, Geneva: May 2003, p. 11.

⁸⁰ Inter-Agency Standing Committee, *Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*, New York: 13 June 2002, p. 2-3.

SGBV: Prevention and Response⁸¹

I. Prevention: *Influencing changes in knowledge, attitudes and behaviour by transforming socio-cultural norms of gender inequality and discrimination. Prevention strategies can include the following:*⁸²

- **Community sensitization** and awareness-raising using participatory methods such as folk media, role playing, and drama.
- Ensuring that **needs assessments, evaluations and reports, identify vulnerabilities to sexual exploitation and abuse**, providing a basis for improved programming and protection processes that minimize risks of sexual abuse and exploitation.⁸³
- Monitoring **camp governance**, so it is conducted equitably to empower women, children and groups with specific needs.
- Ensuring the **physical layout** of the camp minimises the potential for sexual abuse and exploitation.⁸⁴
- **Promoting girls' education** and the importance of girls staying in school.
- Sponsoring workshops, radio programmes, posters and leaflets that **disseminate information on available services, rights of refugees, and host country laws**.
- **Empowering refugee communities to respond**, involving all refugee groups including males in prevention activities.
- Establishing and supporting the presence of trained community-based **counsellors**.
- Providing skills training, income-generating activities and literacy programmes that **empower women to make choices**.
- **Involving the refugee community, including women**, in the provision of their own security.
- Ensuring **adequate levels of monitoring and supervision** of programmes for prevention and protection from sexual abuse and exploitation, including through **physical presence**, and to support staff at the field level to implement concrete **programmes of action**.⁸⁵

The *UNHCR Guidelines on the Protection of Refugee Women* should further inform the organization of the camps and other refugee accommodations as well as service delivery to prevent SGBV and to appropriately respond when it occurs. See also more full discussions of SGBV prevention within Annexes E, K and L of this Guide and the *Gender Training Kit* referenced herein.

Working with men as partners in the prevention of SGBV is crucial to the success of any prevention strategy. Statistically men are the major perpetrators of sexual and gender-based violence. Men are part of the problem but it is important to regard them as a part of the solution as well.⁸⁶

⁸¹ Refer to UNHCR EXCOM Conclusion 98, 2003, for a delineation of the prevention and response measures UNHCR's Executive Committee member governments have called upon UNHCR, its implementing partners, and States to undertake.

⁸² From, *Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations*, Inter-Agency Lessons Learned Conference Proceedings, 27 – 29 March 2001, Geneva, UNHCR.

⁸³ UNHCR EXCOM Conclusion 98, 2003, para. (a)(iv).

⁸⁴ UNHCR, EXCOM Conclusion 98, 10 Oct. 2003, para. (a)(v).

⁸⁵ UNHCR, EXCOM Conclusion 98, 10 Oct. 2003, para. (b).

⁸⁶ UNHCR, *Gender: Training Kit on Refugee Protection and Resource Handbook*, Geneva: December 2002. p. 114.

II. Response: Encouraging the development of appropriate response mechanisms to SGBV can include the following:

- **Training actors** (including protection and community services staff, medical personnel, police, NGO legal partners) in **how to respond** to the needs of survivors.
- Establishing **interview, referral, reporting, monitoring, and evaluation mechanisms**, ensuring the **confidentiality** of information, defined by the survivor.
- Creating a **legal/justice system response**, with appropriate access guarantees.
- Consider **alternative solutions** for the protection of the survivor, which could include internal relocation, settling in a safe house or, exceptionally, resettlement.

More full discussions of response protocols for SGBV are within Annexes E, K and L of this Guide and the *Guidelines* and the *Gender Training Kit* referenced herein.

When responding to SGBV against children:

- Establish child-friendly and adolescent-friendly referral, reporting, monitoring, and evaluation mechanisms (using different structures like school nurse stations rather than Women’s Drop – In Centres where children may not be comfortable; using dolls for young children to explain abuse and inappropriate touch, etc.);
- Create a safe environment in which to interview and examine the child;
- Prepare the child well for the medical examination;
- Ensure that those who interview, examine, and counsel the child are professionals trained in working with children;
- Mobilize services targeting the family to help them understand the problem, how they can help the survivor, and how they can deal with their own trauma; and
- Help non-harmful existing community structures to understand SGBV and how to prevent and respond.⁸⁷

⁸⁷ Action for the Rights of the Child (ARC) training materials, Topic 8, *Protection Children and Adolescents Who Have Been Sexually Exploited*, ARC, CD-ROM, October 2002.

III. Further Considerations:

a. Cultural sensitivity

Responses must be based on a thorough understanding of local norms, customs and taboos regarding sexual behaviour. Additionally, the refugee community may already have social structures to respond to SGBV situations. Women's groups, for example, may be not merely an accessible resource for survivors, they may also provide a communication and information network and a structure for promoting preventative approaches. Cultural sensitivity, however, must be viewed in the context of international human rights standards with the latter taking priority when cultural practices are not in line with such standards.

b. Rights of the Accused

The accused must be treated as a person with rights including the right to legal counsel. In delineating SGBV response roles and responsibilities among involved agencies, it is important to specify who is responsible to protect the rights of the accused. This is generally not part of implementing partner SGBV programmes and, thus, is likely to result in a protection gap.

c. Harmful Traditional Practices

UNHCR's concern with harmful traditional practices, such as female genital mutilation (FGM) and childhood and early adolescent marriage, is an integral part of its protection responsibility for persons under its mandate. As such, UNHCR staff and NGO partners should promote and implement, where possible, the *'Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children.'*⁸⁸

Whether a traditional practice is harmful should not be determined subjectively but by reference to the physical and mental harm caused to the individual and in light of international human rights instruments. Harmful traditional practices violate human rights including the right to security of person, the right to the highest attainable standard of physical and mental health, the right to freedom from torture or cruel, inhuman, or degrading treatment and the right to life.⁸⁹

Harmful traditional practices include:

- female genital mutilation,
- early marriage,
- forced marriage,
- honour killing and maiming,
- infanticide and/or neglect, and
- denial of education for girls or women.

The *Plan of Action for the Elimination of Harmful Traditional Practices* includes action points for national governments, United Nations agencies, and international and national NGOs and focuses on mobilizing political will, developing legislation, raising awareness and educational campaigns, gender sensitization training, information collection and exchange, direct programme activities, and monitoring mechanisms.

⁸⁸ IOM/83/07 and FOM 90/97, *UNHCR Policy on Harmful Traditional Practices*, 19 December 1997, para 9.

⁸⁹ IOM/83/07 and FOM 90/97, para 4.

Challenges

Obstacles to SGBV prevention and response are numerous. There is often a **lack of timely reporting** and a **lack of detailed information** provided by the refugee community. This may be due to **reticence by refugee women from some cultures to speak up** or the **lack of female staff** present in the camp. It may be **fear of reprisals** from other refugees or the **social stigma** often attached to SGBV cases that impede survivors from reporting, most particularly when the victims are men and boys. There may be **cultural barriers** that tend to inhibit reporting of abuse particularly when it involves children. Even when SGBV programmes are set up to serve both male and female sexual assault victims, assaults on males are under-reported.

Traditional responses to SGBV may be preferred by refugees, often to the detriment of the well-being of the survivor, especially where **traditional or customary legal systems** administered by refugee elders, usually men, may be contrary to international human rights standards and national laws. Particularly in traditional responses, there may be **pressure, harassment and intimidation of victims or witnesses by relatives of perpetrators**.

Refugee leaders, too, may attempt to **protect 'their own'** when the perpetrator is a fellow refugee. Alleged perpetrators, at times, escape to their countries of origin before due process can be administered. Further, when the perpetrator is a host country national, local authorities may be **reluctant to intervene**.

Laxity on the part of the enforcement authorities in the host countries to find and prosecute perpetrators of sexual offences, **corruption, outdated laws** and **loopholes in the host country legal system, lengthy judicial processes**, and difficulties in obtaining the full and **effective cooperation from the enforcement agencies** may also discourage reporting. The **lack of competent legal representation** for both victims and perpetrators inhibits follow-up and the appropriate administration of justice.

Established refugee **SGBV Committees may be weak**, under-resourced and without incentives to encourage their work. They may be viewed with suspicion, unsupported by camp leaders, and subject to violence and harassment because of their work. Further, **poor data collection systems** and reporting mechanisms that are cumbersome, inefficient and inconsistently applied hinder SGBV response. The **'referral path'** for reporting can be confusing due to the proliferation of actors involved. Persisting gaps include the **lack of effective coordination, information-sharing** and **role clarification** amongst the various partners involved in the referral process.

Too often, there is **no integration or link** between SGBV programmes and other assistance and protection programmes such as the water and sanitation, agriculture, education and camp management sectors. There is a tendency to **'ghetto-ize'** SGBV programmes, de-linking them from other initiatives and discouraging a comprehensive approach. At times, even Drop-In Centres for SGBV victims can fall short – placing the burden on refugees to come forward and risk identification, neglecting the vital outreach component.

Conclusion

A well-coordinated, multi-sectoral (community services, protection, health services and camp management) and inter-agency approach can help prevent sexual and gender-based violence and provide appropriate and compassionate responses to survivor needs.⁹⁰ When addressing both prevention and response, it is important to look at sexual and gender-based violence from the perspective of gender and age equality and, thus, see both women and men as potential agents of change in a collaborative partnership. It may also be necessary, in collaboration with other agencies, to strengthen local governments' role and ability to prevent and respond to SGBV. Finally, it is also crucial to collaborate with government structures that can effect sustained change through policy formulation. A truly comprehensive response includes focusing on the roles of both women and men and generating new knowledge on how this partnership can end violence and can work towards gender equality.

⁹³ *Agenda for Protection*, Goal 4, Objective 4.

Checklist

Sexual and Gender-based Violence

I. In emergencies

- ✓ Conduct an assessment of refugee cultural practices vis-à-vis SGBV noting harmful traditional practices.
- ✓ Ensure camp layout and service provision do not enhance potential for SGBV.
- ✓ Meet with all partners and stakeholders, including the refugee community and the host government, to delineate roles and responsibilities for prevention and response activities.
- ✓ Ensure prevention activities are developed, culturally appropriate, and implemented.
- ✓ Ensure response mechanisms are in place for victims/survivors including the provision of health care, psycho-social assistance, security, and legal assistance.
- ✓ Ensure mechanisms exist for the safety and protection of survivors.
- ✓ Develop clear reporting mechanisms that all stakeholders, including refugees, agree to follow.

II. In stable situations

- ✓ Track and monitor incidents of SGBV.
- ✓ Modify services, camp layout, and location within the camp of women and girls at-risk, as necessary.
- ✓ Engage refugee men in SGBV prevention and response activities.
- ✓ Ensure mechanisms and resources are devoted to pursuing legal action and follow-up on court cases.
- ✓ Continue to provide training to refugee committees, refugee youth, security personnel and host country authorities on SGBV.
- ✓ Identify ongoing protection gaps and continue to strengthen SGBV prevention and response activities.

Sexual and Gender-Based Violence

Guidelines

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Good Practices

Prevention and Response of Sexual and Gender-Based Violence

Education of Girls – Uganda

Addresses forced and early marriage through prevention and awareness-raising activities, the mobilization of the refugee community, and activities focusing on the retention of girls in school.

Affirmative Action Programme for Girls' Education – Uganda

Addresses the retention in school of girl students and provides special assistance to address gender gaps in education. The programme is community-based. It has both preventative and response elements by focusing on schooling from the nursery through the tertiary level, thus involving multiple segments of the refugee population in the implementation. The programme potentially reduces vulnerability among refugee girls both in the short and long term and is creating attitude and behavioural change.

Income Generation and Micro-Enterprise Development – Guinea and Sierra Leone

Reduces women's vulnerability to exploitation due to economic insecurity by targeting SGBV survivors for business training and small business loans to enhance their self-reliance and reduce further risks of exploitation.

Sexual Assault Referral Centre – Sierra Leone

Serves refugee/returnee/host community survivors of sexual assault through the provision of psycho-social, health, mental health and legal assistance and integrates such services through existing health facilities. The project also provides forensic examinations and documentation and coordinates closely with law enforcement officials.

Comprehensive Prevention and Response – Tanzania

Demonstrates how comprehensive prevention and response services can be implemented by working with a coalition of partners to address prevention/community education, security, legal, health, psycho-social, and coordination issues.

Inter-Agency Manual – Nepal

Addresses issues of collaboration and delineation of roles and responsibilities among actors through the development of an inter-agency manual on procedures and practices.

SGBV Awareness-raising Focusing on FGM – Liberia

While addressing awareness-raising of sexual and gender-based violence generally, specifically focuses on the often neglected harmful traditional practice of FGM through, for example, working with traditional healers and FGM practitioners.

Training and Mobilization of Men's Groups – Sierra Leone

Specifically addresses involving men in SGBV prevention activities through training and the development of the refugee men's action plans to support SGBV survivors and participate in peer awareness-raising activities.

Location: Imvepi and Rhino camp settlements in Arua, Uganda.

Cross-References: *Protection Monitoring/SGBV*

Goal: Protection against SGBV, particularly early marriage, in refugee settlements through promotion of education of girls

Partners: DED (German Development Agency), District Education Office, District Community Services (DCDS)

Objectives:

1. Awareness-raising on prevention/response of SGBV;
2. Increase girl enrolment and attendance in schools in order to reduce incidences of exploitation and early marriage; and
3. Empower refugees on human rights, including children's rights.

Implementation Strategy:

Baseline activities included:

1. Lessons-learnt workshop revealed the need to improve girls' education.
2. Assessment made on enrolment and attendance of girls in schools.
3. Assessment of hospital records on number of teenage mothers attending antenatal clinic services.
4. Review of hospital records on sexually transmitted infections of girls in refugee settlements.

Pre-planning activities included:

1. Meetings with refugee women, leaders and girls;
2. Consultative meetings with Health, Community Services and Education Implementing Partners;
3. Meeting with teachers, school supervisors and refugee school children.

The program is implemented with the following activities:

- **Establishment of Crises Intervention Teams (CIT) to address SGBV cases:** The CITs are formed among refugee leaders, religious leaders, youth representatives, community facilitators and refugee women. Each village in the refugee settlements has a CIT to address SGBV cases. They are the first port of call for majority of SGBV incident reporting.
- **Training of Trainers on SGBV and ARC (Action for the Rights of Children):** Refugees, nationals and service providers are trained as trainers and educators on ARC and SGBV (prevention and response) including early marriage.
- **Grass root awareness campaigns on the rights of children and SGBV:** Several grass root information campaigns using pamphlets, dramas and sensitizations on SGBV, child rights and girl education are implemented.
- **Establishment of school feeding program in nursery, primary and refugee self-help secondary schools:** To encourage enrolment and attendance in schools, school feeding programs were introduced in all nursery and primary schools in the refugee settlements. Refugee self-help secondary schools were also included. UNHCR provided cooking utensils, plates and cups for the feeding program in all schools. WFP provided porridge and

hot meals as supplements for breakfast and lunch. The refugee communities constructed stores, kitchen shelters, and paid incentives for the cooks in the schools.

- **Mobilization of community to establish nursery schools on a self-help basis:** Refugee communities mobilized to construct classroom blocks, kitchens and latrines to establish nursery schools and secondary schools. Parents pay for nursery school teachers, while UNHCR pays qualified teachers in the self-help secondary schools.
- **Training of Senior Women teachers on counselling and life skills training:** Supported recruitment of women teachers and provided training to Senior Women teachers to be matrons to guide girls in schools. Girls report SGBV incidents to the Senior Women teachers who assist girls to respond. They pay special attention to unaccompanied and separated children.
- **Promotion of girl leadership in primary schools:** Each school has girl prefects trained to counsel, act as role models and empower girls in decision-making.
- **Follow-up school drop outs due to pregnancies and ensure their continued education after delivery:** Education Coordinators monitor girl class attendance in all schools and to visit school drop-outs in homes.
- **Construction of bathing shelters for girls and provision/distribution of sanitary materials, soap, and wash basins in the schools:** Encourages girls who otherwise stay away from classes due to the monthly menstruation period.
- **Formation of women associations to carry out sensitization activities in schools and community:** 'Women Gender Fighter's Clubs' in refugee settlements sensitize on SGBV prevention and response and on children rights and child abuse including early marriage.

Challenges in Implementation:

- Cultural and traditional practices: Early and forced marriages are encouraged by the culture of the Sudanese refugees. Girl household workload contributes to absenteeism in schools.
- Lack of qualified women teachers: The lack of adequate educated women in refugee communities limits employment of women teachers in primary schools.
- Lack of timely reporting of SGBV cases: Due to traditional and cultural beliefs of refugees, SGBV incidents are under-reported or reported long after the incident.
- Lack of respect for females due to cultural beliefs and ignorance of human rights creates vulnerability within female-headed households.
- Lack of incentives to nursery school teachers.

Results to Date:

- Increase in girl enrolment, self-sponsorship and attendance in schools.
- Rise in reporting and referral of SGBV cases.
- Decrease in forced and early marriage of girls.
- Rise in awareness of the communities on SGBV and Children's Rights.
- Teenage mothers returned to schools.
- Training of Trainer's regarding SGBV and ARC held in the settlements.
- Enhancement of girls' continued education reduces cultural practices discouraging self-reliance and increases sustainability of awareness on SGBV and human rights.

For further consideration:

'Women Gender Fighter's Clubs'?

Cross-References: *Protection Monitoring / SGBV*

Goal: Promotion of girls' education, to reduce their current and future vulnerability.

Partners: JRS working with local government officials, UNHCR, school authorities, parent-teacher associations and other NGOs, in particular women's groups.

Objectives:

1. Establish and maintain a database to track girls' attendance at school;
2. Sensitize communities about the importance of education of girls;
3. Identify obstacles to girls' attendance; and
4. Design and implement strategies to overcome these obstacles.

Background: Girls who attend school and are hopeful about their prospects are less vulnerable. The project is designed to discourage child labour, early marriage and pregnancy, sexual exploitation and negative community attitudes towards girls and women. The project supports refugee communities to establish, provide and maintain quality primary education as a right of every child under the *Convention of the Rights of the Child (CRC)*.

Implementation Strategy:

JRS has been present with Sudanese refugees in Adjumani since 1993. In 2004, JRS financially or professionally supported 49 nursery schools, 46 primary schools, 5 secondary schools and supervised a tertiary training program for 218 full and part-time teachers. A research project in 2002 determined why girls dropped out of school. The researcher talked to girls to identify aspirations and obstacles and gather information from parents, teachers, school administration and other parties. Analyzing the reasons for dropouts, JRS undertook the following measures:

Primary schools:

- Workshops for head teachers, deputies, Senior Women Teachers to develop guidelines for girl education, school work plans and methods to track dropout rate.
- Hold assemblies to inform, counsel, provide extra lessons for girls due to sit final primary level exams.
- Meetings with School Management Committees and PTAs to develop strategies and methods to track girls' reasons for dropping out.
- Sensitize parents and pupils through music and drama competitions.
- Increase number of female teachers as role models for female students; support female teachers to increase their qualifications and recruit more female teachers.
- Encourage girl-friendly environments in schools by forming girls' clubs, providing separate sanitary facilities for girls and improving girl-teacher relations.

Secondary schools:

- Provide partial payment of tuition fees for girls conditional on good attendance
- Maintain database of information on each female student
- Conduct extra classes for female students, especially in Math and English
- Distribute sanitary materials, soap and underwear
- Train women teachers in their special roles and responsibilities to girls
- Devise strategies to track girls transferring schools or discontinuing education
- JRS pastoral workers visit girls who leave school because of rape, pregnancy, early marriage or family pressure to work at home

- Assist the school community in providing adequate accommodation, communal kitchens, cooking utensils, bathing facilities and latrines for young women
- In collaboration with WFP, trial a limited version of a school feeding program
- Meet with parents to sensitize them to educate daughters as well as sons.
- Offer motivational gifts to girls with better academic co-curricular performance.
- Form Affirmative Action clubs to perform to sensitize the school community about girl education, SGBV, etc.
- Organize skills-training workshops for girls, for example, knitting sweaters and sewing tablecloths to earn an income and contribute to their own school fees.
- Introduce a newsletter for girls to share advice, motivation and future ambitions.

Tertiary level

- Encourage O-Level girls and other educated women to become teachers.
- Financially assist girls who have failed their O-Levels to re-sit for their exams
- Promote affirmative action in teachers' colleges and curricula

Other

- Maintain database of domestic violence and sexual abuse cases
- Follow-up individual cases with home visits and provide support where necessary

Challenges in Implementation:

- Insecurity caused by rebel activity caused further displacement amongst refugee students and teachers, affecting attendance, making tracking of girls difficult and stretching resources in new schools.
- The lack of educated women creates challenges in recruiting female teachers.
- School facilities remain poor: girls' boarding facilities are so over-crowded that girls must sleep three to one mattress.
- Sustainability of the Affirmative Action Programme remains a concern, particularly regarding financial inputs such as partial payment of school fees.

Results to Date:

- Increased numbers of female students, especially in secondary schools where the enrolment of girls has increased to 942 in 2004 compared to 748 in 2003.
- Dropout rate reduced; in first term 2004, only one girl secondary student dropped out due to pregnancy and only 0.5% of all primary students dropped due to displacement.
- Teachers report improvement in performance of female students in Mathematics and English due to the special class programme.
- Most senior women teachers became more committed to their roles and responsibilities because they meet with the girls more often.

Some program benefits will be long-term: educated girls are less prone to future vulnerability. Girls completing education increase the pool of potential women teachers, who in turn become future role models. JRS also supports schools in three locations in south Sudan; lessons learned from the AAP in Uganda are applied across the border. Encouraging communities in both the asylum and home countries to value female child education enhances likelihood the attitude change will continue post-repatriation. With the devastation of southern Sudan, the resources of all refugees – male and female – will be crucial to rebuild the country.

For further consideration: An October 2005 participatory assessment indicated that the school feeding programme with WFP led to children leaving school as families cannot afford school fees *and* contribute for cooks. This issue is currently under review.

Cross-References: SGBV

Goal: Reduce exploitation of refugee and returnee women due to economic insecurity by promoting self-sufficiency among women through business training, grants and loans.

Partners: ARC, IRC, UNHCR

Objectives:

1. Provide business management training to entrepreneurs (75% women) to improve their chance of business success.
2. Provide small grants especially to female entrepreneurs with specific needs to help them begin small income-generating activities.
3. Provide loans to female entrepreneurs to help them expand income-generating activities.
4. Link successful participants with enterprise development services in their home country.
5. Provide specialized business and training grants to survivors of violence.

Implementation Strategy:

ARC begins by assessing the demand for micro-enterprise development services among entrepreneurs, especially women in a camp. Trained income generation staff visit the camp, examine the market, interview market committees, discuss business prospects with entrepreneurs and discuss vulnerability/protection issues with UNHCR and other NGOs active in the camp. If the camp is sufficiently stable, there is a demand for services, the opportunity to improve self-sufficiency and thus reduce vulnerability, and no similar programs are in existence, ARC begins an income generation program.

ARC includes the refugee population in its assessment and design of services. Monitoring and evaluation also emphasize obtaining feedback from clients in order to improve program design and results.

The program takes a stepped approach to enterprise development. Grants and business training are provided to women with specific needs to help them begin small income-generating activities. Women who have already begun businesses on their own or were successful grant recipients are provided with loans from ARC Income Generation Programme staff. Clients who repay loans on time are eligible for larger loans. Through ARC's *Refuge to Return* approach, participants also receive a certificate with their credit rating that can be used in their home country to gain access to micro credit and other enterprise development services from ARC micro-credit institutions and other NGOs. Women who have been the victim of gender-based violence or exploitation are served through specialized 'training grants' provided and monitored in specially designated areas. These grants provide women with income to prevent exploitation in the future and space for psychological healing, including through the development of self-confidence.

The programme is directly linked to the Gender-Based Violence programme implemented by the International Rescue Committee and directly targets their clientele, the victims and survivors, for inclusion into the ARC micro-credit scheme. By serving a broader, more diverse clientele, however, ARC avoids stigmatizing the programme participants and can maintain the confidentiality of those women who have been abused.

Challenges in Implementation:

The success of the grant program is dependent on the vitality of local markets, ability of refugees to travel, and entrepreneurial ability of refugees. Loan program success is contingent on proper client selection, transparent procedures and implementation of the program as a 'development' rather than a 'relief' program. An additional challenge can be over-supply of services. If UNHCR does not coordinate services and allows multiple agencies to provide enterprise development, clients can take loans from many sources, leading to repayment problems and program failure.

Results to Date:

In Guinea, ARC has served over 20,000 clients since 1997, helping clients to build assets and income. In Sierra Leone, since early 2004, ARC has helped over 1,000 clients in camps to begin or expand businesses. Through the 'Refuge to Return' component, over 30% of the initial clients of ARC micro credit program in Sierra Leone were former ARC clients in the Guinean refugee camps. A recent evaluation in Guinea indicated that clients who graduated from the grant to loan program had between a two and five-fold increase in business assets. Clients also reported improvements in self-reliance, attitude and ability to meet both basic and other needs.

Increased income and self-reliance among women – especially those with dependents – reduces their vulnerability and thus their chance of being exploited. The ARC micro enterprise development and income generation programs provide women with business skills and experience that will serve them in the camp and in the future upon their return. Second, through the 'Refuge to Return' programme, ARC continues the provision of services upon refugee's return, helping them to start businesses in their home country and avoid exploitation there.

Cross-References: *Access to Justice / Protection Monitoring SGBV*

Goal: Provide free and comprehensive counselling, medical and legal services to refugee, returnee, and host community survivors of SGBV; promote relevant legislation.

Partners: Police, Ministries of Health and of Social Welfare, Gender and Children's Affairs, local courts, local NGOs.

Objectives:

1. Design and implement a protection model that addresses preventative measures and standards, strategies to protect rights, systems for intervention when rights are breached, and services to meet the needs of women and girls who have been abused;
2. Provide a comprehensive range of services for survivors, including: information; education; case management, referral; advocacy; counselling; support; medical examination, treatment; follow-up; forensic examination; documentation, and linkages with police and courts to enhance access to justice; and,
3. Advocate for structural change – policy and law reform at the national level to develop and implement appropriate anti-sexual violence legislation.

Background

Gender-based violence continues to be a problem in Sierra Leone and a serious public health risk even after the end of the civil conflict when thousands of women were raped.

- Fees charged for medical treatment range from 15,000 to 60,000 Leones (USD 6 to 24). Fees for follow-up care may be an additional 30,000 or more. These fees are beyond the reach of most survivors, inhibiting them from accessing medical care and sometimes resulting in complications including death.
- Fees charged for Government Doctor medical certificates, (required for a survivor to bring legal action), are prohibitively high, ranging from 15,000 to 60,000 Leones.

In order to address these obstacles, IRC set up an alternative, free centre for survivors that became a stand-alone community service.

Implementation Strategy

- Develop and implement the following services:
 1. Case management, referral and advocacy;
 2. Counselling and support;
 3. Medical examination, treatment and follow-up; and
 4. Forensic examination and documentation.
- Engage key stakeholders including links with police and courts to enhance access to justice.
- Fund raise with donors.
- Hire and train committed staff.
- Design and implement awareness-raising and education for community members through meetings, presentations and discussions.
- Provide education and training for government and non-governmental staff.
- Advocate for a legal framework to address SGBV in Sierra Leone.
- Develop sexual assault policy guidelines with Ministry of Health, WHO and other health partners.

- Develop referral sources and partners.
- Document incidents of SGBV and usage of centre services.
- Improve SGBV response capacity of local institutions by working with key government and NGO actors, including the Sierra Leone Police, Government Hospital, MOHS, Ministry of Social Welfare, Gender, and Children's Affairs, Magistrate, and local NGOs to improve medical, legal, and psychosocial response strategies, encouraging timely and compassionate services and ensuring that methodologies are standardized and appropriate to the best interest of the survivor.
- Monitor referrals to the legal/judicial system and track the number of prosecutions.

Challenges in Implementation

- Complicated cases may require advanced medical care such as surgery, professional gynaecological care or expensive medications. There are insufficient funds to sponsor advanced treatment for complicated cases.
- Survivors often lack funds for transportation, preventing them obtaining medical attention at better facilities in the district capital or attending court hearings to seek legal action against the perpetrator.
- Longer-term sustainability in the post-conflict situation is not assured as current donors and partners focus funding and activities elsewhere.

Results to Date

- From March 2003 to February 2004, Centre provided services to 536 survivors of sexual assault.
- 82% of clients were between the ages of 2 – 15 years old at the time of the sexual assault.
- 99% of the clients were female.
- The Centre provided services for 47 gang rape cases.
- 46% of clients received treatment for sexually transmitted infections.
- 87% of incidents reported were rape cases.
- 100% of clients provided with counselling services; 99.6% of these also chose to have a medical examination and treatment.
- There were 1,056 appointments for follow-up services for clients.
- At the community level, IRC Community Mobilizers and Training Officers raised awareness of gender and SGBV, encouraged communities to examine harmful attitudes and practices about gender, and mobilized communities to develop and implement plans to improve gender inclusiveness and security of all individuals.
- At the institutional level, IRC works with government and non-government actors to improve SGBV prevention strategies, by encompassing community awareness and medical, legal, and psychosocial aspects of SGBV.
- For individual survivors of SGBV, IRC Social Workers and Nurses counsel the survivor to develop a plan of action to respond to the survivor's needs, refer the survivor to the appropriate health care provider, reintegrate the survivor into normal activities by encouraging them to join women's groups, facilitate access to skills training and income-generating activities to build greater self-reliance, and facilitate access to legal mechanisms. IRC has directly assisted over 1,000 survivors of SGBV. Fifty cases of post-conflict rape and sexual assault were taken to court with IRC support and have been successfully prosecuted.

Cross-References: *Protection Monitoring / SGBV*

Goal: Improve protection of refugees through SGBV prevention and response in camps in Tanzania.

Partners: Christian Outreach Relief and Development (CORD), Tanzania Red Cross Society (TRCS), World Vision, AFRICARE, Norwegian People's Aid (NPA), The Samaritan Enterprises Keepers Organization (SEKO), International Rescue Committee (IRC), Chama Cha Uzazi na Malezi Bora Tanzania (UMATI), Police, and Health Clinics.

Objectives:

Following earlier problems with SGBV, including involvement of implementing partner staff in sexual exploitation, UNHCR and NGO partners have developed a comprehensive strategy for SGBV prevention and response, including:

1. Identify stakeholders and involve NGO implementing partners in each refugee camp in SGBV prevention and response activities;
2. Develop and implement education and awareness-raising activities with all stakeholders and the refugee community;
3. Implement Code of Conduct for all UNHCR and NGO staff to promote appropriate staff behaviour towards refugees;
4. Implement a full range of response services for victims/survivors;
5. Involve refugee men in SGBV prevention and response; and
6. Develop clear coordination and reporting mechanisms regarding SGBV.

Implementation Strategy:

A. Preventive / Community Education

- Identified stakeholders and potential partners for each camp.
- Prepared a Code of Conduct to be signed by all implementing partners and UNHCR employees. Inserted clauses into implementing partner sub-agreements stipulating a signed staff oath prohibiting sexual exploitation and relationships with recipients of assistance programs.
- Installed and managed closed, confidential complaints boxes at all main sites in the camps – food distribution points, markets, and health and education centres.
- Implemented wide range of education and awareness-raising activities including songs, dances, puppet plays, theatrical sketches, home visits, street meetings, billboards written in English, Kiswahili, Kirundi and French, radio programs, mobilization campaigns, leaflets, t-shirts, and videos.
- Held awareness-raising sessions at Maternal and Child Health Centres, feeding centres, outpatient clinics, social fora, and with block and cell leaders, local tribunal members, religious leaders, youth, parents, security guards, police, teachers, medical officers, children, aid workers, traditional healers, and SGBV community-based support teams. Topics covered included: effects of SGBV, support to survivors, Tanzanian law governing SGBV matters including definition of offences and penalties, and children's rights.
- Held seminars encouraging male participation in SGBV response and prevention activities.

B. Security

- In some camps, whistles have been provided to women for security when outside the camps and men are encouraged to escort women when they collect firewood.

- Training provided on SGBV prevention and response to refugee security volunteers, local camp security personnel and police.

C. Legal

- Support offered to survivors includes legal counselling, facilitating court proceedings, and follow-up with cases.
- Legal counsellors assist victims to submit their testimony to competent authorities.
- Transport is provided to and from police stations and courts.
- Training and capacity-building in legal response conducted for government officers.

D. Health

- Medical support is provided, including treatment to prevent sexually transmitted infections, and, at times, Post-Exposure Prophylaxis for survivors of rape.

E. Psycho-Social

- Support offered to survivors includes general counselling and psychosocial assistance, and material support (firewood, clothes, sanitary towels, etc.).

F. Coordination

- Several coordination mechanisms have been put in place – task forces, and district, regional and country level SGBV coordination meetings, involving police, Ministry of Home Affairs, NGOs, UN agencies, medical officers and psychosocial and legal counsellors.
- Various committees have been established including the Anti-Sexual Exploitation Committee, Child Abuse Task Force, and Implementing Partners Task Forces on Minor Abuse at both camp and district levels. Members of camp level task forces include refugees (from women's groups, youth, and camp leaders), NGOs and UNHCR field staff. At district level, task force members include each Implementing Partner, UN sister agencies, UNHCR Protection and UNHCR Head of Office.

Challenges in Implementation:

- Lack of translators during court sessions, unavailability or shortage of magistrates in some districts and the lack of cooperation from key witnesses.
- To be effective, the complaint box mechanism requires regular effort to open boxes and deal expeditiously with issues. Anonymous complaints make follow-up difficult.
- Lack of cooperation from refugee community. Several cases were dismissed or acquitted in court due to non-appearance of survivors or witnesses.
- Shortage of funds and delays in releasing funds for SGBV implementing partners.

Results to Date:

- 20% drop in reported SGBV cases between 2002 and 2003.
- Knowledge of SGBV widespread in NGO and refugee community.
- Package of services for victims in place.
- Stakeholders engaged and participating.
- Roles and responsibilities clarified.
- Refugee males involved in prevention and response activities.

Cross-References: *Protection Monitoring / SGBV*

Goal: Respond more effectively to SGBV by clarifying roles and agreed-to procedures and practices among all actors.

Partners:

His Majesty's Government of Nepal (HMG-N) Refugee Coordination Unit (RCU), WFP, UNHCR and implementing partners in the refugee camps and representatives and agencies within the refugee community.

Objectives:

1. Engage all actors, NGOs, government and refugees, in SGBV prevention and response activities;
2. Clarify roles and responsibilities as well as coordination mechanisms amongst all actors;
3. Develop clear, agreed-to procedures and practices that all actors will follow; and,
4. Prepare an operational manual for all involved parties on inter-agency procedures and practices for the prevention and response to SGBV in the refugee communities.

Implementation Strategy:

- Engaged all relevant actors – UN agencies, NGOs, government and refugees.
- Jointly developed SGBV prevention and response procedures and practices in a collaborative effort to establish clear systems, roles and responsibilities for each individual, group, agency and organization involved.
- Agreed on guiding principles (confidentiality, cooperation, respect, and the security and safety of survivors).
- Agreed on incident reporting mechanisms.
- Delineated roles and responsibilities including that of the refugee community such as the refugee Camp Management Committee and the Women's Groups.
- Established UNHCR as the coordinating organization.
- Engaged government counterpart, the RCU, to monitor SGBV issues via Camp Supervisors and coordinate/request all actors in SGBV prevention and response.
- Worked with hospitals, police and justice system on their roles and response. The health facilities are responsible for initial medical examination (if necessary), treatment, follow-up care, emotional support, and referrals. The police respond to reports of SGBV crimes in accordance with national laws and policies. The national court system prosecutes SGBV crimes in accordance with national laws and policies with minimal delays and upholds the guiding principles established by the inter-agency team.
- Spelled out roles and responsibilities within UNHCR between Community Services, Field Officers, Health Coordinator, Protection and SGBV Specialist specifically to follow-up with service providers and assist with administrative solutions, as needed (for example, moving to another camp, resettlement, separation/issuing of new ration cards, new housing plot). The Protection Unit monitors status of legal proceedings; advocates; provides legal advice to survivor and witnesses; and provides transportation and assistance to refugees at court.
- Compilation of all agreed-to procedures in an Inter-Agency Manual that includes definitions, guiding principles, reporting, a delineation of roles and responsibilities for prevention, response, monitoring and evaluation.
- Manual reviewed, agreed to and signed by each participating agency.

Challenges in Implementation:

- Time involved for all parties in the joint planning process.
- Ensuring that agreed-to procedures and practices are followed.
- Resistance of some members of the refugee community to consider SGBV a serious issue deserving of considerable time and attention.

Results to Date:

- Inter-Agency Procedures and Practices Manual on SGBV Prevention and Response produced and in use.
- Host government and refugee community involved in process and follow-up.
- Monthly statistics are compiled and distributed to all involved agencies.
- UNHCR Protection Officers track cases through Nepalese legal system.
- SGBV awareness-raising activities underway in all camps.
- Psycho-social programmes established for survivors.
- All involved actors and agencies know their roles and responsibilities vis-à-vis SGBV prevention and response.
- Networks with the local authorities, implementing partners, informal refugee organizations and refugee community are established, allowing for coordinated and swift response to SGBV.
- Changing attitudes vis-à-vis gender-related issues within the refugee community as well as with the local authorities and the implementing partners.
- An Incident Referral System has been made known to all in the camps, indicating to whom an SGBV survivor should report and what happens after the reporting, i.e., addressing specific medical and protection needs, counselling, legal aid, relocation and material assistance to SGBV survivors and their families
- Systems are established that make managers of both implementing partners and government agencies and their staff (refugees and local) clearly accountable for their actions or omissions. All UNHCR implementing partners have developed their code of conduct based on the UNHCR Code of Conduct.
- Representatives from the Camp Management Committee, together with UNHCR, governmental officials and the implementing partners were actively involved in developing and adopting the Manual of Interagency Procedures and Practices as a support to refugee communities for prevention and response to SGBV. The development of the Manual was an ongoing project for six months, ensuring that all parties were fully engaged.
- The project has enhanced understanding of responsibilities toward refugees among law enforcement and judicial authorities and contributed to their capacity to comply with international and national standards.
- The project has strengthened relations with the police and judicial authorities and, hence, improved UNHCR's ability to act on other type of protection cases.

For further consideration:

Initially, the SGBV manual prohibited community settlement of SGBV incidents. The approach generally advised within current global guidelines instead allows for community involvement and settlement unless such settlement is inconsistent with national laws and human rights standards.

Cross-References: SGBV

Goal: Inform refugee women and men about SGBV and, in particular, female genital mutilation (FGM), in order to reduce the incidents of SGBV.

Partners: Traditional healers, refugees and UNHCR

Objectives:

1. Develop and implement awareness-raising activities with regards to SGBV (including FGM), as well as sexually transmitted infections (STIs), and HIV/AIDS amongst refugees;
2. Promote gender equity through involvement and participation of refugee men in the initiative;
3. Conduct broad-based community sensitization activities on the medical, social, and psychological consequences of SGBV and FGM;
4. Work with and educate traditional healers and FGM practitioners on the harmful consequences of FGM and its relationship to reproductive health; and,
5. Collaborate with other partners to reinforce the integration of SGBV prevention and response mechanisms into all project activities in the camp.

Implementation Strategy:

- Mobilize refugee community, identify and train SGBV peer educators and counsellors.
- Develop SGBV and FGM prevention messages and strategy.
- Promote men's empowerment on SGBV and FGM by adopting 'Under the Communal Tree Approach' whereby refugees come together to discuss issues affecting their lives, through small group discussions, family fora, debates, essay contests, story-telling, dramas, and songs on such topics as gender roles and spousal relationships, SGBV, the rights of survivors and perpetrators, and adjudication procedures for rape.
- Implement community awareness activities focused on harm of SGBV, especially FGM and its social, medical and psychological effects on women and girls.
- Educate traditional FGM practitioners and supporters on harmful consequences.
- Collaborate with all operational partners to strengthen messages and reinforce the integration and mainstreaming of SGBV prevention and response.

Challenges in Implementation:

- Wide acceptance of harmful traditional practices in the refugee community.
- Volatile, rapidly changing situation on the ground with increased possibilities for return and instability in the host country.
- FGM serves as an initiation rite; how to support a rite of passage and subsequent acceptance into the adult female community without the harmful practice.

Results to Date:

- Sensitization activities create understanding amongst refugees about SGBV.
- Some refugee men involved in prevention and awareness-raising activities.

Assumption some girls are spared FGM as a result of awareness-raising activities but this is difficult to quantify.

Cross-References: *Protection Monitoring / SGBV*

Goal: Educate male refugees on SGBV issues and promote their participation in ongoing efforts to minimize its occurrence in camps and host communities.

Partners: UNHCR, UNHCR implementing partners, FAO, refugee community

Objectives:

1. Train refugee and host community men and youth in combating gender-based violence in camps in Sierra Leone.
2. Educate male refugees and host community males and opinion leaders on gender and related concepts to develop a common understanding of a gender-sensitive approach, particularly SGBV.
3. Challenge the prevailing notion that SGBV programs are intended for 'women only' and pose a direct threat to the interests and authority of men.
4. Develop mechanisms and activities at camp level that complement the work of the women's committees, SGBV committees and other implementing partners.

Implementation Strategy:

- **Formation of a working group** of UNHCR and SGBV response implementing partner staff to mobilize refugee participants and conduct trainings and follow-up at camp level. A consultant organized workshops and serve as primary facilitator.
- **Selection of participants:** Approximately 25 refugees and host community members were targeted for inclusion in the Men's Groups from refugee leaders, such as tribal elders, refugee executives, committee chairmen, school head-boys, police, and religious leaders, to capitalise from existing respect within their sub-communities to promote gender equality and lessen SGBV.
- **Two day workshops** were conducted in each of the eight refugee camps. Fem-Net SGBV training materials, introducing key concepts of gender and sex, violence, SGBV, attitudes, beliefs and values, and power, formed the basis of the two-day workshops. However, prior to implementation, the working group met in Freetown to revise objectives to emphasise prevention of and response to domestic violence, arguably the most prevalent and most under-reported form of SGBV in the camps. The workshops were therefore tailored to expand discussions on such topics as domestic mediation, root causes of violence in the home and in refugee settings, and possible community-based responses to individual cases of domestic violence.
- **Development of Action plans:** In each of the eight camps, participants developed Action Plans to promote gender equality and prevent SGBV. Action Plans include such activities as adult literacy classes for women (implemented by Men's Group participants), construction assistance to families with specific needs and SGBV survivors, community gardens to support female-headed households and survivors of SGBV, and community awareness campaigns and drama presentations. The men also formed a peer response mechanism to individually counsel perpetrators of domestic violence to complement services extended to survivors. Action Plans came from the participants themselves, reflecting themes that emerged during the trainings. Other partners, such as camp management agencies (construction materials) and FAO (seeds and tools), provided key support for Action Plans.

Challenges in Implementation:

- **Overcoming cultural barriers:** Topics on gender equality and equal rights proved particularly difficult to impress upon participants. Although training modules were experimented with from workshop to workshop, men were willing to accept that women had some rights but dismissed the notion of full equality. However, the training modules on the root causes of gender-based violence were well understood, accepted and elicited broad empathy from participants.
- **Promoting and sustaining participation:** In environments of complete dependency, promoting community service and volunteerism is difficult. However in many instances, Action Plans successfully integrated communal benefits with some degree of personal gain. For instance, the men agreed that 50% of harvests would be donated for community events and to assist survivors of violence and other refugees with specific needs, with the remaining half divided among participants. Likewise, musical instruments provided for awareness campaigns are used for personal enjoyment additional to the requisite number of sensitizations specified in Action Plans. Once established, this participatory spirit had spill-over effects onto activities with no obvious personal gain, such as providing construction assistance to repair houses of female-headed households. The success of several technical aspects of participation, particularly the creation of a peer counselling mechanism, depended largely on implementing partner and UNHCR field staff sharing timely information and organizing an appropriate response from the Men's Action Group. Where perpetrators were counselled by Men's Group members, the feedback was generally favourable and appreciated by survivors, who tended to favour a more traditional response rather than police intervention. Sustaining the mechanism has proven difficult.

Results to Date:

- **Increased awareness among male refugees of SGBV and gender issues:** Although difficult to measure, there appears a marked increase in awareness of gender concepts in the camps, particularly among men. Several recent missions have commented on this relatively high gender awareness among men.
- **Inter-ethnic collaboration and friendship:** Because members were specifically chosen based on leadership, community standing and willingness to participate in camp activities, the Men's Groups proved a forum to establish links and common cause among historically hostile ethnic groups. Because each Action Plan involved a form of community outreach, successful implementation also extended and reinforced positive cross-cultural messages in the wider refugee community.
- **Successful implementation of Action Plans:** Action Plans proved immensely popular as well as an effective mechanism for sustaining participants in a group. Implementation also involved the collaboration of other agencies and NGOs operating in the camp. By relying exclusively on the interests and ideas of refugees themselves, the activities integrate key concepts of positive gender relationships into everyday activities, such as farming, drumming, and construction.

8

Unaccompanied and separated children

*GUINEA / Sierra Leonean Refugees / Separated children /
St Marie Transit Centre, Conakry / Implemented by IRC /
UNHCR / L. Taylor / 02.2001*



Agenda for Protection

Goal 1, Objective 9, point 5:

State, UNHCR, NGOs and other partners to work with refugee communities to address the needs of unaccompanied and separated child asylum-seekers and refugees, including, as necessary, their temporary placement in foster families or appointment of State or non-State guardians, and the monitoring of such arrangements.

Goal 6, Objective 2:

Meeting the Protection needs of refugee women and refugee children; measures to improve the framework for the protection of refugee children

Though all children amongst persons of concern are exposed to multiple protection risks, unaccompanied and separated⁹¹ children face an increased risk to protection problems as a result of the loss of their primary care structure - the family. They are more susceptible to military recruitment and to sexual exploitation and abuse. Separated and unaccompanied refugee children may also be exposed to abuse and violence by extended family members or de facto guardians in the absence of their primary care-givers or to discrimination within the household and the community. They are more often denied education and are more often victims of trafficking. Girls face additional risks – early marriage, forced domestic labour, and a higher probability of sexual abuse. Furthermore, child-headed households are at heightened risk of discrimination, exploitation and abuse.

There are many potential reasons why a child is separated from family members; understanding the reasons for separation will better define the services required. Children may have been abandoned or their parent(s) may have been killed. Their parents may have sent them to safety while staying behind to protect homes and farms. Children may have been separated during flight or because of recruitment by armed groups or forces. Children may also have run away from their families.

A **child** means any person under the age of 18, unless under the national law applicable to the child, majority is attained earlier.⁹²

Separated children are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may therefore include children accompanied by other adult family members.

Unaccompanied children (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Orphans are children, both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is called an orphan.⁹³

⁹¹ Separation from families and caregivers is one of UNHCR's five priority areas regarding refugee children. *Follow-Up Strategy to the Machel Study*, IOM/40/97-FOM/47/97, 15 July 1997.

⁹² *Convention on the Rights of the Child*, Article 1.

⁹³ Definition adopted from the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, ICRC, UNHCR, UNICEF, IRC, Save the Children – UK, World Vision International, Geneva: January 2004.

The differing reasons for separation will impact the child's psychological well-being and, hence, the psycho-social support needed. Regardless of the reasons, separation is a devastating experience for children already likely traumatised by a situation of conflict and displacement. These experiences will have serious long-term consequences for the child's well-being. As such, high priority needs to be given, in all stages of an operation from the emergency stage onwards, to strategies for the prevention of separation.

Educating parents and the refugee community at large about the potential risks of separation – during relocation and repatriation, for example, or risks of abduction during firewood collection or other activities that take children outside the camp or to isolated areas of the camp – is crucial to strengthen prevention and to engage refugees in their own protection and security. Refugees should be involved in developing their own protection systems whereby children know where to go or who to go to in the event of becoming separated from their family, including the provision of an emergency safe place until the family is located or other solutions are identified.

Key steps in working with unaccompanied and separated children:

- Rapid identification;
- Immediate registration (using interagency registration form for unaccompanied and separated children) and documentation;
- Family tracing;
- Family verification and reunification;
- Appointment of a guardian (individual adult or organisation);
- Temporary care arrangements (fostering, other community-based care or institutional care as a last resort);
- Maintain siblings together;
- Development of foster family criteria;
- Provision of psychosocial care;
- Continuous follow-up, monitoring and support;
- Implementation and monitoring of Code of Conduct for all humanitarian staff working with children; and
- Particular attention to durable solutions.

A. Best Interests of the Child

In matters concerning children and particularly with unaccompanied and separated children, their 'best interests' should be taken into account. This requires that the 'best interests' of the child should be given a primary consideration in all circumstances and situations concerning the child. 'Best Interests Determination' refers to a more formalized procedure initiated when crucial decisions affecting the child's life need to be made – for example, in situations of parental abuse where the child may have to be removed from the home or when considering durable solutions for an unaccompanied child.⁹⁵

⁹⁴ UNHCR is developing Guidelines on Best Interests Determinations, to be available in Spring 2006, to clarify when UNHCR, (independently or in collaboration with governments or NGOs), is required to make a formal individual determination of the best interests of a child, suggest a procedure for such determination, and how to take such decision in the individual case. See, UNHCR, Guidelines on Formal Determination of the Best Interests of the Child, Draft, Geneva: November 2005.

⁹⁵ *Convention on the Rights of the Child*, Article 3;

Best Interests of the Child: In all matters concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.⁹⁶

The principle of best interests, while recognizing the balance needed between the interests of the child and that of the primary caretaker, further recognizes that a child has more than one 'interest.' When considering an action, the entire range of a child's rights (physical, psychological, social, cultural, spiritual, developmental, legal, etc.) must be taken into account and also their immediate and long-term implications. The information available is often limited, and the interests that must be considered can be competing. All this must be taken into account to make a decision that is, on balance, the best one for the child concerned.

Put into practice, the **best interests** of the child is inclusive of the following principles:⁹⁷

1. Protection

- Ensure their protection – both in terms of physical safety and legal rights;
- Recognize children and adolescents as bearers of human rights; and
- Ensure that care arrangements provide for physical and emotional needs.

2. Psycho-social Needs

- Psychological and social needs must be given equal importance to physical needs;
- Provide for their ongoing developmental needs – psychological, social, educational and physical, both for immediate future and in the long term;
- Children and adolescents need to feel wanted and valued;
- There must be continuity of a child's emotional bonds with the 'psychological parents';
- Socialization, or the learning of social and cultural values and skills, is essential;
- Children must be prepared for adulthood: earning a living, parenthood, and citizenship; and
- Continuity of a child's sense of identity should be maintained.

3. Decisions about Welfare and Future

- Separate the interests of the child from the interests of all others, including the parents, other adults, social groups, institutions, and the State itself; and weigh or balance the interests of all others in favour of the child's welfare;
- Take the thoughts and feelings of a young person seriously and take into consideration an infant's and young child's sense of time;
- Conduct an impact-assessment on how a course of action may affect the child;
- Decision-making must be individualised and children need to participate in the decision-making process; and
- Provide an opportunity for the decision-maker to receive input from persons who are experienced in child- or adolescent-welfare issues.

⁹⁶ Most items on the list are from *Best Interests Determination Guidelines in the Case of Sudanese Unaccompanied and Separated Children in the Refugee Camps in Western Ethiopia*, UNHCR – RTSS, draft, November 2002; others from Action for the Rights of Children (ARC), CD – ROM, chapter on Child and Adolescent Development, Topic 6, Action in 'the Best Interests of the Child,' October 2002.

⁹⁷ Article 28, Convention on the Rights of the Child; under Article 22, para. 1 of the 1951 Refugee Convention, the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. Para. 2 adds: "The Contracting States shall accord to refugees treatment as favorable as possible, and, in any event, not less favorable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education...".

B. Education as a Right and as a Protection Tool

Education is not only a human right,⁹⁸ it is a tool of protection *and* it helps meet psycho-social and developmental needs.⁹⁹ Educating children on their rights, with various forms of social and life skills training will also help young people make better life choices and develop skills to protect themselves from exploitation and abuse.

Additionally, education is regarded as **the most effective means of ensuring protection** for refugee children and for unaccompanied and separated children in particular. As interventions tend to focus on younger children, adolescent girls and boys are often neglected in planning and programming. Even though their responsibilities in the family and the community have increased, their views are not sought or taken into account and their capacities to provide solutions are often overlooked. School enrolment can keep adolescent girls and boys occupied and supervised, shielding them from exploitative activities such as child labour, military recruitment or sexual abuse. Yet adolescent refugees often cannot access education. Unaccompanied and separated children may have the most difficulty accessing education due to lack of identity documents, such as birth certificates, the lack of money for clothes and notebooks, and the need to work to provide for their own survival. Girls are particularly disadvantaged because of domestic tasks assigned to them by the family, leaving them little time to go to school or attend training courses, or lack of access to family income.

Recruitment into armed forces can appear as an attractive option for refugee and separated children when there are **inadequate educational opportunities** and if they lack hope for the future. In fact, the breakdown of the family unit is a primary factor in the recruitment of child soldiers. Measures and procedures need to be put in place to preserve family unity – trained refugee community social workers, for example, who offer family counselling and support. Awareness-raising sessions on risks children face in the camp and how parents and the community can mitigate risks can also help. Engaging parents in their children's education and recreational activities can be another means of preserving and enhancing family unity.

C. Orphanages and Adoption

If and when institutional care such as orphanages are used or considered, the following principles must be stressed:

- Institutional placements such as orphanages should be avoided and discouraged as they generally cannot provide for the child's development needs or for their social and cultural integration into society.¹⁰⁰
- Unaccompanied or separated refugee children should use the same schools and other social services and facilities as other refugee children of the same age.¹⁰¹
- Inter-country transfers of refugee children should be discouraged unless all reasonable measures have been taken in order to trace and reunite the children with the parent(s) or family members, and where voluntary repatriation is neither feasible nor desired.¹⁰²

⁹⁸ UNHCR, *Education: Field Guidelines*, Geneva: 2003.

⁹⁹ UNHCR, *Refugee Children: Guidelines on Protection and Care*, Geneva: 1994, p. 102.

¹⁰⁰ UNHCR, *Refugee Children*, p. 103

¹⁰¹ Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 29 May 1993.

¹⁰² Tolfree, D, *Restoring Playfulness, Different Approaches to Assisting Children who are Psychologically Affected by War or Displacement*. Swedish Save the Children, Stockholm: 1999, p. 119.

Adoption is only an option if there is no hope for successful tracing and reunification or when parents, freely and fully informed, consent to the adoption and only then with the authorization of competent authorities and safeguards for the child. Further, children in an emergency context should not be available for adoption. In some circumstances, resettlement may be the most appropriate option but, again, only under exceptional circumstances and when there is no hope of successfully tracing and reuniting the child with family members. This should have been established through a formal best interests determination.

Challenges

The services and monitoring required to realize the rights of unaccompanied minors and separated children are both extensive and **labour-intensive**. There are numerous difficulties – **difficulties in identifying** unaccompanied and separated children and **challenges in initiating the tracing** of their relatives and families especially when they have fled from a volatile country. There may not even be a functional tracing programme in operation.

Some camps may have high numbers of unaccompanied minors and separated children which can make service provision difficult. They may have been **recruited as child soldiers**, used as **forced child labour** including, at times, by foster families, trafficked for sex, and informally (and often only temporarily) **'adopted' to increase both in-camp and return assistance packages**.

If services for such minors exceed those of other refugee children, parents may abandon their own children so that they, too, can access such services. There may be a **lack of will to foster parent** among the refugee community and unaccompanied and separated children may have **less access to education, recreation and cultural activities**. Even when **foster families** are used, they **may not be trained**, there may be no **clear selection** criteria and monitoring may be irregular and inadequate.

The local community may promote the establishment of group living or **orphanages** instead of more appropriate family living arrangements. There may be a **lack of understanding about their specific concerns** and importance of monitoring, regardless of where they are 'placed' or living, among the national and international staff present.

Several agencies are specialised in children's programming and some have considerable experience in working with unaccompanied and separated children, foster care systems, and with establishing and managing tracing services. These agencies include ICRC, Save the Children and, increasingly, local NGOs. For the best protection of children, partnerships should be established with these agencies wherever possible, while utilising a community-based approach.

Checklist

Unaccompanied and separated children

- ✓ Establish a mechanism to prevent separation of families and preserve family unity (also between siblings)
- ✓ Ensure services are in place to identify, register (see Annex 6(d) of the UNHCR Handbook for Registration for the inter-agency registration form) and document unaccompanied and separated children, girls and boys
- ✓ Ensure adequate child placement services are available to assess care needs and facilitate appropriate temporary care arrangements
- ✓ Ensure that the care and placement arrangements are adequately and regularly monitored to assess the welfare and treatment of unaccompanied and separated children and that follow-up action is taken when required. Include in the monitoring the school attendance, access to health care and the meeting of development needs, which should be documented in the child's personal file
- ✓ Work with the refugee community to develop criteria for foster families and identify and train foster families
- ✓ Establish and implement arrangements to appoint a guardian – either an adult or organization designated with the responsibility for ensuring that a child's best interests are fully represented
- ✓ Establish and implement an effective and efficient family tracing programme in cooperation with the ICRC and NGOs
- ✓ Pursue family reunification while putting in place a process to establish the validity of family relationships and confirming the willingness of the child and the family member to be reunited. Conduct an assessment to verify that family reunification is in the best interests of the child
- ✓ Provide appropriate social services support to facilitate family reunion and the well-being of children
- ✓ Ensure the provision of psycho-social support when necessary
- ✓ Conduct formal best interests determinations for all unaccompanied and separated children before durable solutions are pursued
- ✓ Ensure that records of unaccompanied and separated girls and boys are complete, protected and stored. A copy of the unaccompanied and separated child's file should always travel with him/her

Unaccompanied and Separated Children

Guidelines

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Good Practices

Unaccompanied and Separated Children

Engendering Child Protection – Liberia

Models both a refugee community-driven and -owned initiative and is an example of the strong participation of children in addressing their own needs and those of their peers.

Protecting Children from Separation during Repatriation – Zambia, Namibia and Angola

Focuses on children's rights by attempting to prevent separation at a time, a major repatriation exercise, when the risks for such are increased. It is also a good example of inter-agency collaboration at the regional and national level.

Best Interests Determination Guidelines – Ethiopia

Developed draft guidelines for best interests determinations for unaccompanied children through inter-agency collaboration, then used the guidelines to promote durable solutions for hundreds of unaccompanied children.

Using Art as a Medium for Psycho-Social Support – South Africa

Details a creative approach to psycho-social work with unaccompanied and often traumatised children. Although not camp-based, the project could be replicated in camp settings and demonstrates the impact of this approach on building children's self-esteem, communication skills and decision making abilities.

Care for Unaccompanied Children – Tanzania

Focuses on improving the quality of foster care for unaccompanied and separated children through training, support and monitoring.

Tracing for Families of Unaccompanied Minors – Tanzania

Demonstrates a creative, inter-agency collaborative approach for tracing and reunifying unaccompanied and separated children with their parents or family members through a monthly booklet with photos of unaccompanied children for circulation to other camps and cross-border in the country of origin.

Location: Kolahun, Vahun, and Sinje camp, Liberia

Cross-References: *Information Dissemination / Protection Monitoring / Separated and Unaccompanied Children /*

Goal: Improve protection of refugee children through community 'ownership' of children's issues and promoting children's own role as agents for change.

Partners: Save the Children UK (SC UK), Child Welfare Committee (CWC), Concerned Carers, Children's Clubs

Objectives:

1. Identify separated refugee children;
2. Ensure attainment of standards for their interim care and promote their integration within the refugee community;
3. Promote children's rights generally, especially that of participation; and
4. Promote community ownership of children's issues, as identified with the children themselves.

Implementation Strategy:

This approach is unusual as a community group (CWC) formed itself and became active in an effective manner prior to engaging with SC UK. The group, coupled with the Concerned Carers (a volunteer group of foster care providers), presented SC UK an assessment of the situation. In partnership, CWC, the Concerned Carers and SC UK:

- Developed an integrated child protection programme with family tracing and reunification, rights awareness, response to protection violations and education/training components. Children's participation was a cross-cutting approach to the work.
- The strategy was 2-pronged: the proactive/preventative macro level (rights awareness to improve protection and participation of all children and to build a constituency of support) and the reactive, micro level (monitoring and responding to individual problems).
- Used a 'hands off, eyes on' approach, where SC UK withdrew from direct child protection work and instead supported community structures (CWC, Concerned Carers, and Children's Clubs) to directly work with refugee children and the wider community. This work included identification, documentation and tracing of separated children; identification and monitoring of foster placements; accompaniment; mediation in situations of theft, physical abuse, etc.; advocating with children and foster parents on the importance of education; advocacy with UNHCR on registration of children. This direct work was supported by SC UK through provision of intensive levels of training and supervision, consumable items (stationery, meeting costs, etc.) and eventually stipends to the CWC.
- Worked with children's structures to ensure active representation on the camp management committee.
- Child-child: children both as a group and individuals were seen as key actors for change. They identified cases of abuse and separation, engaged in tracing activities, encouraged the integration of separated children – particularly those in independent living – into the wider community, encouraged at-risk children to attend school, were peer educators and counsellors, and accepted mediation roles wherever possible.

Challenges in Implementation:

- Separated children saw themselves as SC UK's children because they were occasionally given NFIs (non-food items) and other direct interventions.
- Some foster care providers continued to request social and material assistance from SC UK, as they thought they could get preferential treatment.
- A child protection strategy must tackle the issue of livelihoods straight on: rations are inadequate, foster family resources are stretched, income-generation schemes are often ill-conceived and children turn to hazardous means of survival.
- Work focused on fostered children, but more needed to be done about the foster sibling relationships.
- Tension between community-ownership and acknowledgement that volunteerism has its limits, especially when the work is time-consuming (i.e. tracing and documentation) and controversial (i.e. community mediation).
- Perceived invisibility of some separated girls.
- Cultural issues as the Sierra Leonean tradition of fostering was one of exchange between families, thus a private – not community – matter. This allows for several violations of children's rights and also meant the traditional practice needs some re-contextualisation when the identity of the child's primary family is unknown.
- Need to ensure that work to empower children is done alongside work on parents and other adults' attitudes.
- Attempts to build bridges with host community children were not successful.

Results to Date:

- Refugees adopting their own child protection structures to engage and resolve difficult social issues, such as sexual abuse of girls, exploitation of separated children and theft.
- Numerous examples of children identifying and intervening in the protection of peers.
- CWC reported marked improvement in standards of care offered by foster families.
- Separated children in independent living clearly felt more supported/accepted in their communities.
- Quick shift from an emergency, vertical Family Tracing and Reunification programme to a community-owned, longer-term, wider child protection programme.
- Involvement of refugee children and adults in identifying protection concerns and solutions.
- Built capacity to apply refugee-identified solutions and prevent future rights violations.
- Direct assistance provided to separated children and other refugee children with specific needs.

Location: Zambia, Namibia and Angola

Cross-References: *Information Dissemination / Protection Monitoring / Separated and Unaccompanied Children*

Goal: Prevent and protect children from separation and exploitation during repatriation from the camps and settlements in Zambia and Namibia and during reintegration in Angola.

Partners: UNHCR, UNICEF and Save the Children

Objectives:

1. Identify and strengthen child protection systems/structures across borders to address priority concerns;
2. Educate on child protection priorities in the Angolan repatriation and reintegration process; and,
3. Demonstrate how ARC (Action for the Rights of Children) and other child protection resource materials can address child protection issues, enabling participants to lead similar sessions in their own country programmes.

Implementation Strategy:

- Design four-day workshop on child protection in the context of repatriation with a specific focus on sexual exploitation, separated and unaccompanied children, and the prevention of child separation. Participants included key staff from partner agencies in the workshop design and facilitation.
- Focused on countries of asylum (Zambia and Namibia) and country of origin (Angola)
- During the workshop, key themes and issues were identified (education, spontaneously repatriating families, understanding and responding to socio-economic family splitting/separation, missing children, potential for accidental family separation and SGBV during repatriation, strategies to prevent accidental separation, unregistered refugee children, existing structures to protect children, information campaigns, mine awareness, and cross-border information sharing and coordination).
- Prepared recommendations for all involved actors – UN, NGO and relevant government departments:
 1. Undertake child-centred analyses at all stages of the repatriation and reintegration process so that children at highest risk of family separation, SGBV, HIV/AIDS, abuse and exploitation are identified quickly and appropriate preventive response mechanisms are put in place;
 2. Develop a comprehensive strategy to maintain family unity;
 3. Solicit children's active participation in the design, implementation and monitoring of repatriation and reintegration activities affecting them;
 4. Strengthen cross-border information sharing and coordination systems to enable rapid response to emerging issues that are putting children at risk;
 5. Ensure children are informed about the repatriation process and redress mechanisms (i.e., what to do in the event of exploitation); and
 6. Develop systems to ensure that identified separated children who are repatriating spontaneously or in organized convoys are tracked from the point of departure to the final destination and placed into the Angola family tracing system.

- Each country then developed a plan of action for preventing and responding to separated children and exploitation of children during pre-repatriation, repatriation and reintegration as appropriate for their context as a sending or receiving country.

Challenges in Implementation:

- Easier to identify risks than to implement strategies to address or minimize them.
- Cross-border information sharing and cooperation weak partially due to communication and infrastructure limitations.
- Protecting children from separation and exploitation is resource-intensive but staff and funds are limited.

Results to Date:

- Protection gaps identified and strategies for addressing them developed.
- Protection partnerships strengthened between UNHCR, UNICEF, NGOs and relevant government ministries at regional and national level.
- Action plans developed by each country for follow-up, delineating activities, responsible actors, locations, and time frames.
- Strengthened information dissemination to children and children's participation, consultation and involvement in processes affecting them.

Cross-References: *Information Dissemination / Protection Monitoring / Separated and Unaccompanied Children*

Goal: Identify appropriate durable solutions for unaccompanied and separated Sudanese children in the refugee camps in western Ethiopia.

Partners: ICMC Resettlement Deployees, Lutheran Immigration and Refugee Services (LIRS), Save the Children – Sweden (SC Sw), International Rescue Committee (IRC), International Committee of the Red Cross/Ethiopian Red Cross Society (RC), UNHCR Ethiopia and UNHCR Regional Technical Support Service - Nairobi

Objectives:

1. Draft Best Interests Determination (BID) guidelines appropriate to specific context;
2. Apply BID guidelines for interviews of unaccompanied and separated children to assess durable solutions needs and options;
3. Verify data previously collected on Regional Documentation Forms and Social History Forms;
4. Conduct psycho-social assessments on each verified child;
5. Initiate tracing to achieve family reunification wherever possible;
6. Prepare best interests recommendations on each unaccompanied and separated child for presentation to review panel for their decision; and
7. Hire and deploy 3 – 4 consultants to Gambella, Ethiopia to implement programme.

Implementation Strategy:

- Finalize registration and documentation on all unaccompanied and separated children and 'aged-out' minors (those that turned 18 just before or during the process).
- Draft BID Guidelines based on framework developed from the *Convention on the Rights of the Child*, the draft of the *Inter-Agency Guiding Principles on Unaccompanied and Separated Children*, and *UNHCR Guidelines on Protection and Care of Refugee Children*.
- Based on BID Guidelines, draft interview questions to gather necessary information re registration, documentation, social history, refugee claim, family history, tracing, assessments completed, and the child's present and future situation.
- Apply BID Guidelines during BID process.
- Verify accuracy of data collected.
- Complete psycho-social assessment on each child.
- Initiate or finalize tracing – both intra-camp in the host country and across borders in the country of origin.
- Prepare individual master files on each child inclusive of: Regional Documentation Forms, Social History Forms, camp registration forms, medical histories, educational certificates, and information on Red Cross messages sent.
- Inform target group in each camp of BID process.
- Establish review panel consisting of UNHCR, ICMC Deployee (observer), and Save the Children staff.
- Prepare and present individual best interests recommendations to the review panel.
- Panel decides preferred durable solution after review of recommendations and consulting with the child.
- Hire, brief and deploy 3 – 4 child welfare/child protection consultants through UNHCR /

ICMC Resettlement Deployment Project (identified through LIRS).

Challenges in Implementation:

- Implementation is time- and labour-intensive and requires experts to implement.
- Child's opinion may be influenced by peers and the larger camp population.
- Durable solutions options limited by the situation in Sudan and lack of local integration prospects in Ethiopia.
- Tracing activities inhibited by conflict in Sudan making cross-border tracing difficult.
- BID most effective when BID not a one-time free-standing process but part of the comprehensive identification, registration, documentation, tracing verification and family reunification process.

Results to Date:

- Unaccompanied and separated children fully registered and documented.
- Best Interests Determinations carried out on over 800 of unaccompanied and separated children from Dec. 2002 – March 2004.
- Durable solutions identified following BID process and over 200 minors put forward for resettlement.
- BID Guidelines specific to local context developed and utilized.
- Numerous ICMC consultants deployed to carry out BID.

For further consideration:

- Need for a functioning follow-up mechanism to implement recommendations and to respond to immediate protection or other concerns identified during the BID process;
- The BID cannot be linked solely to resettlement, but must be an integral tool within a comprehensive protection approach, enjoying multi-functional team support within UNHCR as well as between UNHCR and NGOs; and
- More detailed BID guidance will be issued in early 2006, developed by UNHCR in consultation with NGO community.

Location: Johannesburg, South Africa

Cross-References: *Separated and Unaccompanied Children*

Goal: Provide psycho-social support through art to unaccompanied refugee children.

Partners: Jesuit Refugee Service and UNHCR

Objectives:

1. Create opportunities for refugee unaccompanied children to express themselves in a non-threatening, non-coercive environment to enable healing of past trauma;
2. Provide regular, consistent adult support and role models; and
3. Build a social, peer support network among the refugee children participating.

Background

The children live alone or with foster parents in a poor inner city apartment area. Many of the children had been psychologically affected by their past experiences of war and displacement so a psychosocial support group was started for the children.

Implementation Strategy:

- An art teacher and a psychosocial support group facilitator run the project.
- The group meets every Saturday at a school close to where the children live, to do artwork together using mixed media. Most of the artwork has centred around a set of suitcases. A suitcase is about a journey; all the children had taken journeys, so it is an object they relate to emotionally. A suitcase also has a face open to all to see and a hidden space inside that can be exposed or closed. The suitcase thus provides a non-threatening space in which to explore memories.
- Working with different art media, the children told the stories of their lives today on the suitcase exterior and the story of their lives in the past on the inside.
- The artwork was used as a focus for informal storytelling. In small groups or alone, children would bring a piece of artwork and tell the story behind it. The children acknowledged the value of the storytelling as a part of the healing process. They were never coerced to tell their story.
- The model avoids the terminology of healing and therapy: it is based on a developmental perspective viewing human beings having capacities and personal resources to identify issues they need to work on and to deal with these themselves. Avoiding the typical stereotype of the refugee as helpless and passive and avoiding terms labelling people as traumatised or pathological, the project works with the children's strengths rather than their weaknesses.¹⁰³ No attempt is made to 'solve' problems or to suggest action they can take.

Challenges in Implementation:

- Developing a level of trust with and among the children.
- Allowing the children to open up in their own time, at their own pace and not interfering with the process.
- Patience/continuity in facilitators' attendance for a lengthy period (1.5 years).

¹⁰³ 'Protecting Refugees: A Field Guide for NGOs,' jointly produced by UNHCR and its NGO partners, Geneva, May 1999, page 11.

Results to Date:

- Children developed positive self-concepts and an internal locus of control with a sense of hope and future-directed goals. The artwork and storytelling helped many of the children integrate some traumatic memories into their lives, freeing many from depression that had paralysed attempts to plan their futures. All older members began to plan and in some cases even implemented plans including starting small businesses and studying in a technical college.
- Throughout the project, the artwork consisted mostly of three-dimensional work, with children layering suitcases and maps with multiple materials. Because the children were not working with art tools they knew, such as crayons, they responded intuitively. Essentially the children 'played' with the materials and explored their potential. Working in three dimensions with many different materials allowed them to play more freely: they did not feel scrutinised as if they had to 'draw well.' The children remained in control of the process. One central principle was non-interference with their art-making. It was a private process.
- Two levels of interaction were overtly encouraged in the project. Firstly, the group was encouraged to build trust relationships with the facilitators. Many of the children had lost adult caregivers and had experienced deep grief and were very wary of building relationships with adults in case they were let down again.
- The second kind of social interaction encouraged was the attempt to help the children support each other. It soon became clear that in their everyday lives they were the best potential support for each other. Over time the group became almost an alternative family for most of the children.
- Because of xenophobia in South Africa society, many children when they first joined the group had begun to deny their identity in an effort to fit in. They could not easily integrate with local children as they felt too different. Through the project, they gained self-confidence to claim their own identity. Many of the children have joined and fully participate (as foreigners) in local youth organizations now that they have increased self-confidence.
- The children developed positive peer networks and formed their own support group, learning to help each other in dealing with some of their problems.
- The facilitators became important role models for the children.
- The project is being fully documented to replicate in other refugee-impacted areas in South Africa.
- The project has had a public information impact, informing the community about the situation of young refugees. Significant advocacy has been done with the children's artwork. During the two years of the project (2003 and 2004) the children's artwork was exhibited twice. Initially this was done to raise awareness of the lives of refugee children, but ultimately it also served a therapeutic purpose. The exhibits became a way to integrate the children with outsiders and encourage them to be proud of their histories and home countries. Over time, the group became very proud of their ability to do art. At the second exhibition they freely opened up their suitcases and shared the contents with attendees.
- The project was profiled in a national newspaper. This allowed the children to be seen not as refugees only but as artists and young people with something important to say. This built their sense of self worth. The children were in control of the exhibition and newspaper articles, they could choose to do them or not. This reinforced the sense of power they had over their lives.

Cross-References: *Information Dissemination / Protection Monitoring / Separated and Unaccompanied Children /*

Goal: Strengthen the capacity of refugee community workers, social workers, and foster parents in ten refugee camps to protect unaccompanied children.

Partners: UNHCR, UNICEF, National Social Welfare Institute

Objectives:

1. Enhance the professional skills of community workers / social workers;
2. Improve the oversight of foster families;
3. Develop culturally appropriate resources and training materials for community social workers supervising foster care placements; and
4. Provide training to foster parents inclusive of children's rights, foster parent responsibilities, child development, and communication skills.

Implementation Strategy:

- Two professors from the National Social Welfare Institute conducted field research in the camps on existing care provided to unaccompanied minors.
- The academics then prepared a Training Manual to be used by refugee social workers and community workers in training foster families in refugee camps.
- They conducted a Training of Trainers programme, sponsored by UNICEF, which brought together 20 refugee social workers representing 10 different camps. The training focused on empowering social workers and community workers to train foster parents to provide proper foster care services in the camps, including issues of: children's rights, child development, preparing foster parents prior to receiving a foster child, child protection in foster care services, and techniques of foster parenting care.
- The refugee social workers and community workers who were trained went back to their respective camps and trained 468 foster parents.
- The impact of the foster parent training and the more intensive involvement of the community workers and social workers were evaluated nine months later through extensive interviews and focus groups with all stakeholders including the foster children themselves.

Challenges in Implementation:

- Variations in foster care and foster parent services provided amongst the camps.
- Some unaccompanied children did not want foster parents and chose to live alone or with siblings instead.
- Some foster parents treated foster children differently than their biological children and had difficulties in changing these attitudes and behaviour.
- The time and duration allocated for training foster parents was inadequate when matched with the content and level of foster parent training expected.
- Inadequate resources allocated.
- The manual developed for foster parents was overly bulky and not particularly user-friendly.

Results to Date:

- High receptivity of foster parenting training at camp led to increased demand for more training including from those considering becoming foster parents.
- Significant decrease in complaints registered by both foster children and foster parents to the social workers in the various camps.
- Increase in the number of visits to offer 'technical' advice by social workers in the households of foster families and in the schools.
- Closer working relations built by social workers and community workers with other stakeholders (foster parents, teachers, and block leaders) in addressing problems collectively.
- Positive attitudes of trust developed between foster children and their foster parents.
- Decrease of incidences of child ill-treatment by foster parents.
- Significant decrease in the number of foster children who change foster parents between the time of the training and the post-evaluation follow-up.
- 90% of the children interviewed in the post-evaluation follow-up stated their foster parents: assist them by providing food; assist them by giving them shelter, bedding and parental love; allow them to go to school; provide them with medical care when sick; and, do not discriminate against them at the household level.

For further consideration:

The need to ensure effective mechanisms are in place to monitor foster care arrangements on an on-going basis.

Cross-References: *Information Dissemination / Protection Monitoring / Separated and Unaccompanied Children*

Goal: Facilitate family reunification of unaccompanied refugee children through improved inter-agency collaboration.

Partners: UNICEF, ICRC, Tanzanian Red Cross Society, Norwegian People's Aid, SAEU, Africare, World Vision)

Objectives:

1. Develop guidelines for tracing and family reunification of refugee unaccompanied children in western Tanzania;
2. Implement standardised procedures for tracing and family reunification activities in Tanzanian refugee camps;
3. Develop a comprehensive response building on the collaboration of all involved agencies and organizations;
4. Establish a mechanism of information-sharing related to all unaccompanied minors including a database and the publication of a monthly booklet on those identified for broad circulation amongst the refugee communities and camps; and,
5. Avoid isolation or segregation but to instead integrate the child in the community.

Implementation Strategy:

- Develop comprehensive guidelines for tracing and family reunification were developed with the participation of all involved agencies (UNHCR, UNICEF, ICRC, the Tanzanian Red Cross Society, refugee community support, and several national NGO implementing partners in the Community Services sector). The guidelines specify the responsibilities of each agency in detail and the arrangement is evaluated every six months at regional meetings.
- Prepare a guideline document, 'Mode of Operations for Tracing and Family Reunification Activities in Tanzanian Refugee Camps' by the involved agencies detailing the procedures for tracing and how each of the different forms are used to maintain up-to-date information.
- Develop a tracing data-base, entering each unaccompanied minor, with digital photographs (front and side shots) of each unaccompanied minor.
- Each month, print a booklet of unaccompanied minors with the photographs of those identified. The booklet was distributed to all the camps in the country to facilitate inter-camp family reunification. When security permitted, the booklet was also distributed in the country of origin to facilitate cross-border reunifications. Parents missing children browse through the booklets looking for their children.
- Verification procedures established to prevent mistaken or fraudulent reunifications.

Challenges in Implementation:

- The involved agencies often moved forward at different speeds.
- Cross-border tracing was difficult due to insecurity in the regions of origin.
- Inadequate resources.

Results to Date:

- Increased number of family reunifications both between camps and outside camps.
- Increased collaboration between UN, Red Cross and NGO agencies.
- Standardised procedures developed and utilized.

Annex A

Agenda for Protection

1. Strengthen implementation of the 1951 Refugee Convention and 1967 Protocol

- Universal accession to the 1951 Refugee Convention and 1967 Protocol
- Improved individual asylum procedures
- Provision of complementary forms of protection to those who might not fall within the scope of the 1951 Refugee Convention, but require international protection
- Exclusion of those undeserving of international refugee protection, including those guilty of terrorist acts
- Closer cooperation in the supervision of implementation of the 1951 Refugee Convention and 1967 Protocol
- More harmonized interpretation of the 1951 Refugee Convention in light of developments in refugee law
- Further standard-setting
- Enhanced respect for refugees
- Adequate reception arrangements
- More effective and predictable responses to mass influx situations
- Better registration and documentation of refugees
- More resolute responses to root causes of refugee movements

2. Protecting refugees within broader migration movements

- Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management
- Strengthened international efforts to combat smuggling and trafficking
- Better data collection and research on the nexus between asylum and migration
- Reduction of irregular or secondary movements
- Closer dialogue and cooperation between UNHCR and IOM
- Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking
- Return of persons found not to be in need of international protection

3. Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees

- Better responsibility-sharing arrangements to shoulder the burdens of first asylum countries
- More effective cooperation to strengthen protection capacities in refugee-receiving countries
- Strengthened partnerships for protection with civil society, including NGOs
- Refugee communities empowered to meet their own protection needs
- Refugee issues anchored within national, regional and multilateral development agendas
- Resettlement used more effectively as a tool of burden-sharing

4. Addressing security-related concerns more effectively

- The resourcing of States for securing the safety of refugees and for the separation of armed elements from refugee populations
- Keeping the Secretary-General and the Security Council seized with the issue
- Prevention of military recruitment of refugees, including refugee children
- Prevention of age-based and sexual and gender-based violence

5. Redoubling the search for durable solutions

- Realization of comprehensive durable solutions strategies, especially for protracted refugee situations
- Improved conditions for voluntary repatriation
- Strengthened cooperation to make repatriation sustainable
- Local integration having its proper place as part of a comprehensive strategy for durable solutions
- Expansion of resettlement opportunities
- More efficient use of resettlement both as a protection tool and as a durable solution
- Achievement of self-reliance for refugees
- Rehabilitation of refugee-impacted areas in former host countries

6. Meeting the protection needs of refugee women and refugee children

- Measures to improve the framework for the protection of refugee women
- Measures to improve the framework for the protection of refugee children

Annex B

Core Principles of a Code of Conduct

Sexual Exploitation and Abuse in Humanitarian Crises

Excerpt from the Plan of Action of *The Report of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*

Core Principles of a Code of Conduct

Humanitarian agencies have a duty of care to beneficiaries and a responsibility to ensure that beneficiaries are treated with dignity and respect and that certain minimum standards of behaviour are observed. In order to prevent sexual exploitation and abuse, the following core principles must be incorporated into agency codes of conduct:

- Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to refugees.
- Sexual relationships between humanitarian workers and refugees are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
- Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

Annex C

UNHCR's Five Commitments to Refugee Women

1. UNHCR will encourage the active participation of women in all refugee committees in urban, rural and camp settings and return areas. The final aim is to ensure that 50% of representatives are women.
2. UNHCR commits to the individual registration of all refugee men and women. Men and women must be provided with the necessary documentation so each refugee can individually enjoy security, freedom of movement and access to essential services.
3. It is a fact that SGBV (sexual and gender-based violence) continues to be a severe impediment to the advancement of women and the enjoyment of their rights. UNHCR will develop integrated strategies in each country to combat it.
4. UNHCR will continue to ensure that refugee women participate in the management and distribution of food and non-food items.
5. The provision of sanitary materials to all women and girls of concern will become standard practice in all UNHCR assistance programmes. This is central to women's dignity and health.

This summary document was prepared by UNHCR South Africa to promote the *Five Commitments to Refugee Women* outlined in the High Commissioner's memorandum of 12 December 2001.

Annex D

Promoting Age, Gender and Diversity Mainstreaming in UNHCR Operations 2005 – 2007¹⁰⁴

Mainstreaming age, gender and diversity means that the meaningful participation of refugee girls, boys, women and men of all ages and backgrounds is integral to the design, implementation, monitoring and evaluation of all UNHCR policies and operations so that these impact equitably on people of concern. The overall goals are gender equality and the enjoyment of the rights of all refugees of all ages and backgrounds. Their attainment is the responsibility of all staff.

The overall aim of age, gender and diversity mainstreaming is to promote gender equality and the rights of all refugees of all ages. The specific goals are to:

- Implement a UNHCR system-wide approach to refugee participation to strengthen the voice of refugees in operational planning¹⁰⁵ and support age, gender and diversity mainstreaming.
- Strengthen the institutional capacity to ensure that all staff take responsibility for promoting gender equality, the rights of refugee women and refugee children.
- Further operationalize the Agenda for Protection by supporting a rights and community based approach to working with refugees to reinforce the age, gender and diversity mainstreaming strategy.

1. By 2007, all UNHCR operations and headquarters will have adopted the multi-functional team approach together with partners to promote mainstreaming age, gender and diversity and facilitate participatory assessments with refugee women and men, girls and boys.

Country representatives will establish multi-functional teams together with partners and standard terms of reference will be issued to guide the process. The multi-functional teams will act as catalysts to promote understanding of and accountability for age, gender and diversity mainstreaming of all UNHCR staff through coaching and training programmes and developing links with partners and country level experts. Within UNHCR, the multi-functional teams will comprise national and international staff, both men and women and include protection, programme, field and community services staff. The representative will lead the team, ensuring regular briefings to all staff, support for training activities, identifying a team coordinator and overseeing the implementation of an annual work plan with reporting to the Bureau. To mirror the field approach, headquarter teams will be established at a Bureau level and between divisions and sections.

¹⁰⁴ See also, UNHCR IOM/FOM No. 82/2004, Instruction and guidelines to UNHCR Field and Headquarters on Reporting Implementation and Planning: 2004-2006, pages 23 and 24.

¹⁰⁵ Women, Children And Older Refugees: The Sex And Age Distribution Of Refugee Populations With A Special Emphasis On UNHCR Policy Priorities. Population Data Unit, UNHCR, 2001; 2003 Global Refugee Trends: Overview Of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers And Other Persons Of Concern To UNHCR

2. Systematic participatory assessment with refugee women, girls, boys and men of all ages from all backgrounds will be conducted from mid-September to end October each year in preparation for project submissions in November, the annual protection and country reports and the country operations planning exercise the following year together with the comprehensive needs assessment.

In follow up to current programming instructions, all operations will be required to undertake an annual participatory assessment exercise with partners and refugee women, men, girls and boys and the results will feed directly into the UNHCR programming cycle. This will build on existing practices and establish a system wide approach to participatory assessment with refugees, internally displaced persons and returnees to support age, gender and diversity mainstreaming, as well as promoting participatory assessment as a regular working methodology.

Country multi-functional teams, including partners, together with refugees will systematise the information gathered and analyse it at the annual participatory strategic planning workshops. The operational response will be built on an analysis of the protection needs of refugee women, men, girls and boys and inequalities based on differences. Programmes will build on the priorities, capacities and solutions proposed by refugees themselves in response to the identified protection risks. The information will be used to substantiate the project submissions, annual protection reports and country operation plans. It will also support the standard comprehensive needs assessment presented in country operation plans with a view to highlighting unmet needs. Trained UNHCR and partner facilitator teams will travel in 2005 and 2006 to selected countries in early September and October to work with country teams to support the participatory assessment.

3. By 2007, UNHCR representatives and multi-functional teams with partners will have received training on the integration of participatory assessment findings into operations as a step towards ensuring equal access to and enjoyment of the rights of all refugee women, men, girls and boys of all ages and backgrounds.

Following the participatory assessment exercise, the facilitator teams will conduct workshops with the representatives, multi-functional teams and partners from a cluster of countries or one large operation. The multi-functional teams will bring the systematised information from the participatory assessment to the workshop, as this will form part of the content and maintain the focus on the operation and a practical approach to the training. The training is a key step towards age, gender and diversity mainstreaming in that it improves understanding of how to analyse the differentiated impact of protection risks in the population of concern and consider this in operational planning.

Ten facilitator teams will be working with some forty to fifty countries during September/October 2005 i.e. five countries per team. A similar number will be targeted in 2006 and the remaining countries will be covered in 2007.

4. By 2007, multi-functional teams will be supported by headquarters and regional staff to further develop their capacities through participation in knowledge management systems and additional training opportunities.

Senior headquarters and regional staff working with refugee women and refugee children and community services, as well as the Bureaux, will provide ongoing support, guidance and training. The Division of Operational Support will establish a community of practice to facilitate knowledge management and learning through an online network for multi-functional teams and other interested staff and partners. Training should form a key component of the multi-functional team action plans and regional and headquarters staff will provide follow up training on request, as well as encourage networking with local organisations which have training expertise. This will be complemented by the incorporation of the participatory assessment and age, gender and diversity training materials into other UNHCR learning programmes.

5. By 2008, UNHCR will have conducted an evaluation of the impact of the approach on refugees.

A full evaluation will be undertaken in coordination with the Evaluation and Policy Analysis Unit to measure the impact on the refugee population as the indirect beneficiaries of the mainstreaming strategy and will include a participatory evaluation by refugees of UNHCR and partners' services, programmes and attitudes in the countries. The indicators to measure the impact will be selected in discussion with the Bureaux, Department of International Protection and the countries which participated in the 2004 pilot.

UNHCR WCCDS, May 2005

Annex E

Refugee Women and Empowerment Strategy

UNHCR statistical surveys on asylum-seekers, refugees and other persons of concern report that close to half of the world's refugees are women (49% in 2003 and 51% in 2000)¹⁰⁶. Gender mainstreaming combined with targeted action to support refugee women's empowerment is cross-cutting and a priority of UNHCR and the UN system. The protection and security concerns of refugee, internally displaced and returnee women can only be effectively addressed by analysing the changing roles of women and men and how operational interventions, including assistance measures, impact on them. The following legal instruments and policy documents provide the framework for UNHCR's related protection and assistance activities:

- The Agenda for Protection
- UNHCR's Policy on Refugee Women and their protection
- Convention on the Elimination of All Forms of Discrimination against Women – (CEDAW)
- The Beijing Platform for Action
- UN Security Council Resolution 1325 on Women, Peace and Security,
- The 1997 UN Economic and Social Council (ECOSOC) resolution on gender mainstreaming
- Millennium Development Goals (MDGs)
- UNHCR Guidelines for Prevention and Response to Sexual and Gender-Based Violence

In most refugee and displacement contexts, the roles and responsibilities of men and women change because of the impact of conflict on family and community structures. For example, women may become the breadwinners and men responsible for childcare. Participatory assessment and an analysis of the situation from a gender perspective are imperative for gender mainstreaming. While planning operations, UNHCR and partner staff must analyse carefully the socially assigned roles of women and girls and men and boys in the community. In most situations, women are primary care givers for children, the sick and older persons. The power relations between women and men and how these impact on women's participation in decision making, access and control of resources and physical security must be well understood. When violations of women's and girls' rights and inequalities between women and men are identified in an operation, UNHCR programmes must seek to address these through sustainable targeted action.

Women's empowerment and targeted action

Activities should be designed bearing in mind the objective of achieving gender equality. Women should be able to exercise their right to participate meaningfully in decisions regarding protection measures, assistance and durable solutions. Upholding the rights of women of concern to UNHCR through their empowerment entails recognition by men and women that the subordination of women and girls is imposed by a socially constructed system of discrimination. Women and girl's subordinate position can increase their exposure to sexual and gender-based violence throughout the displacement cycle. Therefore, targeted actions must include activities

¹⁰⁶ Women, Children And Older Refugees: The Sex And Age Distribution Of Refugee Populations With A Special Emphasis On UNHCR Policy Priorities. Population Data Unit, UNHCR, 2001; 2003 Global Refugee Trends: Overview Of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers And Other Persons Of Concern To UNHCR

with men, so that they are able to understand and the responsibility of upholding women and girl's rights. The main principles of empowerment may be summarized as follows:

- **Awareness-raising and critical analysis of the situation:** Awareness-raising with women and men of concern is a process of critical analysis of their situation and their roles and contributions in resolving protection risks and exercising their rights. The impact of protection and assistance interventions should be analysed carefully with both women and men to ensure that they promote empowerment and gender equality.
- **Participation and Mobilization:** In many instances, women are either not allowed or are unable to participate in decision-making processes. UNHCR should support women to come together to discuss and devise collective strategies to address their problems and entry points to working with men. This can enable the formation of women's groups, collectives and networks and discussions on their rights and responsibilities in the context of human rights.
- **Access and control:** Refugee, internally displaced and returnee women do not usually have access to and control over services and resources. They may not have individual documentation or they may be excluded from deciding on how to use resources for shelter design and measures that concern their safety and security. Women require active support from UNHCR to promote a balance of power between women and men in the community, so that neither is dominant and they can work side by side to influence the future of their families and communities.

UNHCR's Commitments to Refugee Women provided an important milestone in setting targets for operations to promote women's empowerment. Operations should continuously review that these standards are being met and maintained as laid out in the standards and indicators report. To support this, operations should consider actions in the following essential areas:

Meaningful participation

UNHCR offices must encourage meaningful and active participation of women in all management and leadership committees of refugees in urban, rural and camp settings, including return areas. The overall standard to be achieved is 50% representation by women in conditions where they can fully participate. This normally requires ongoing support to refugee, returnee and internally displaced women through human rights, negotiation and leadership skills training, and knowledge sharing on instruments to support them such as CEDAW, Security Council Resolution 1325 on women, peace and security, which calls for, among other points, women's participation in all peace processes.

Individual registration and documentation

The individual registration of all refugee women is fundamental to provide them with relevant documentation to ensure their individual security, freedom of movement, capacity to protect and register their children, trace lost children, access essential services, support property claims on return and vote. All operations should ensure that all registration and documentation programmes meet individual needs in a non-discriminatory manner.

Food and non-food items management and distribution

Access to and control over services and resources can limit refugee, internally displaced and returnee women's capacity to protect themselves and their community. Furthermore, when such situations arise, women and girls are exposed to sexual exploitation and abuse. All operations must ensure that women participate directly in the decision making processes regarding the management and distribution of food and non-food items.

Economic empowerment

Women's role in food security and livelihoods of the family and other dependants is frequently overlooked in the assessment phase of the operations cycle. The limitations on women's access to vocational and technical training and employment opportunities, as well as micro-credit schemes are often overlooked in the design phase. As such projects often require resources and support mechanisms which are more readily available to men, women do not benefit equally from them. Affirmative action targeting women is required to ensure an equitable impact.

Prevention and response to sexual and gender-based violence:

UNHCR's places prevention and response to sexual and gender based violence within the wider framework of gender equality mainstreaming and empowerment, as described above. The Guidelines on Prevention and Response to Sexual and Gender-based Violence are also applicable to situations involving men and boys and due attention should be paid to all members of the population. All UNHCR operations should ensure measures are in place to prevent and respond to sexual and gender- based violence. In addition to the Guidelines highlighted above, staff should also take into consideration:

- UNHCR's Code of Conduct.
- Secretary General's Bulletin on Sexual Exploitation and Abuse, 2004
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), Article 3.

The UNHCR Guidelines on Prevention and Response to Sexual and Gender-based violence clearly explain all the different acts which fall within the category of SGBV and require offices to undertake follow up action. Addressing sexual and gender-based violence requires a community-based approach and targeting work with men to address SGBV prevention and response. It is important to stress that refugee women and girls who are unable to feed, clothe and shelter themselves or their families in a safe and secure manner are susceptible and more at risk to exploitation, manipulation, physical and sexual abuse. When preparing country programmes, staff must ensure that all UNHCR operations which have direct interaction with persons of concern have put in place Standard Operating Procedures for prevention and response to SGBV. The Standard Operating Procedures are based on an inter-agency, multi-sectoral approach to ensure services to survivors in the areas of health and psycho-social support, physical security and legal advice and access to justice as well as prevention work. Therefore, UNHCR programmes must envisage support to make Standard Operating Procedures viable.

Annex F

Refugee Children

Refugee children are a policy priority of UNHCR. The rights of refugee girls and boys, including adolescents, of diverse backgrounds and abilities are of specific concern to UNHCR.

The following documents provide the framework for UNHCR's activities to assist and protect children:

- 1951 Convention relating to the Status of Refugees
- 1967 Protocol relating to the Status of Refugees
- 1989 Convention on the Rights of the Child (CRC), and its Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography
- UNHCR Policy on Refugee Children (1993)
- Refugee Children: UNHCR Guidelines on the Protection and Care (1994)
- UNHCR Guidelines on Formal Determination of the Best Interests of the Child (Draft 2006)

UNHCR's commitment to the protection of refugee girls and boys has been reinforced through the *Agenda for Protection*, which includes a specific goal with objectives and activities relating to the protection of refugee women and children. The *Agenda* also integrates the concerns of girls and boys of diverse backgrounds into its other five goals.

UNHCR's age, gender and diversity mainstreaming strategy supports the participation and protection of girls and boys. The overall aim is gender equality and the enjoyment of their rights by all refugees of all ages and backgrounds.

UNHCR believes that the protection and care of children have to be an integral part of all activities for refugees, which can best be addressed using a team approach. Working for refugees also means working with refugees. Therefore, by using a rights and community-based approach and applying participatory assessment, refugees should actively participate in all operations from the beginning. In all phases of programming, the refugee community should be involved in such a way that it represents all groups: women, men, older persons, people with disabilities, girls and boys, including adolescents, regardless of background and capacity. Thus, the protection and care of refugee children is not only the responsibility of States and humanitarian organizations, but of the refugee community as a whole.

Convention on the Rights of the Child

While child rights are set forth in a number of international legal instruments, the **Convention on the Rights of the Child** (CRC) is the most authoritative international legal instrument for the protection of children's human rights. It has near-universal acceptance. The CRC has highlighted the fundamental human dignity of all children, the urgency of ensuring their protection, well-being and development and the concept of children as bearers of human rights.

UNHCR has adopted the CRC as a normative frame of reference in relation to its actions on behalf of children. All actions taken on behalf of refugee children should therefore be guided by

the four general principles identified by the Committee on the Rights of the Child as of fundamental importance for implementing the CRC:

- **Non-discrimination:** Every child, girls and boys, within a state's jurisdiction holds all the rights of the CRC, independent of immigration status. This includes refugee children, asylum – seeking children and rejected asylum – seeking children.
- **The best interests of the child:** In each and every decision affecting the child, the various possible solutions must be considered and due weight given to the child's best interests. This means that in programming and in the allocation of budgets, special attention should be given to this principle and how programmes and budget allocations (and cuts) impact on children's lives and contribute to the realisation of their rights.
- **Right to life, survival and development:** Appropriate measures to safeguard life and address the psycho-social well-being of the child must be taken. These include measures to increase life expectancy and to lower infant and child mortality; Identifying numbers of children with specific needs, assessing their situation and providing follow-up is essential. Establishing an effective birth registration is instrumental.
- **Participation:** The participation of children, especially adolescents, in decision making not only ensures identification of their needs and protection risks early in programme design, but also meets their developmental needs as they learn for instance decision-making skills and gain self-confidence to use those skills.

Five priorities

In legal terms, every refugee under the age of 18 is a refugee child, 'unless, under the law applicable to the child, majority is attained earlier.'¹¹⁶ With regard to refugee children, UNHCR has identified five main global priority issues:

- separation from families and caregivers
- sexual exploitation, abuse and violence
- military recruitment
- education
- specific concerns of adolescents

In certain regions there may be additional issues of importance which require special attention, such as birth registration, detention of children, trafficking or child labour.

Global Strategy

UNHCR's global strategy for refugee girls and boys is three-fold:

- Prioritization of the above-mentioned five priority issues with a particular focus on participation, sexual and gender-based violence (SGBV), adolescents and youth employment. These priority issues are supported by empowerment through targeted action and age, gender and diversity mainstreaming.
- Training and capacity development – UNHCR and its partners are being trained to detect the specific concerns of refugee girls and boys of diverse backgrounds and to deal with them efficiently. Action for the Rights of Children (ARC), an inter-agency and child rights-based initiative, is a practical tool designed for this purpose.
- Inter-agency cooperation – UNHCR is networking and cooperating with other UN agencies, NGOs, and governments to ensure optimum protection and care of refugee girls and boys through a number of initiatives and networks at the global, regional, and national level.

UNHCR's 5 Priorities for Refugee Children

Refugee children are a policy priority of the Office of the United Nations High Commissioner for Refugees (UNHCR). Promoting respect for the rights of refugee girls and boys, including adolescents, of diverse backgrounds and abilities is UNHCR's responsibility.

Priority issue #1: Separation from families and caregivers

Separation of children from their families or caregivers should be prevented. For those girls and boys who have been separated, it is important to identify, register and document them in order to provide protection and undertake tracing of parents or primary caregivers. Family reunification should occur if it is in the best interests of the child. Monitoring of all interim care arrangements should be undertaken regularly by UNHCR and partners as temporary care can present other problems for these girls and boys. Durable solutions must be tailored to their needs.

Priority issue #2: Sexual exploitation, abuse and violence

Refugee girls and boys have to be protected from sexual exploitation, abuse and violence as well as HIV/AIDS, teenage pregnancies and harmful traditional practices. This is the responsibility of the host government, the refugee community and humanitarian organizations. Abuse can be prevented through awareness raising, ensuring improved access to assistance and education as well as safe living conditions and school environments. Response mechanisms include health care, psycho-social support, measures to ensure the safety of the victim/survivor and legal redress.

Priority issue #3: Military recruitment

A refugee child may be recruited compulsorily, forcibly or voluntarily by armed groups or forces. Both girls and boys participate in fighting as well as take on other duties as porters, cooks, cleaners, and messengers. Girls are at a higher risk of sexual abuse, forced marriage and pregnancy. These risks can be prevented by providing alternatives such as enrolment in schools and training centres. While recognizing that girls and boys may have different needs, they should benefit in an equitable manner from disarmament, demobilization, and reintegration programmes.

Priority issue #4: Education

Girls and boys of all ages have a right to equal access to quality education in a safe environment. Education, including literacy and vocational training, serves as an important tool to protect them from sexual and gender-based violence (SGBV), HIV and AIDS, military recruitment, crime and drugs. It adds to a sense of normality in everyday life and provides them with skills and knowledge for the future.

Priority issue #5: Specific concerns of adolescents

In refugee situations, younger children are often being cared for while their communities and organizations tend to overlook the needs of adolescents, who may also be heading households. Based on participatory processes with adolescent girls and boys, opportunities for formal and non-formal education, skills-training, income-generating activities/employment, participation in decision-making processes, recreational activities and life-skills education should be created.

Annex G

Older Refugees

Mainstreaming the concerns and participation of older persons has been particularly problematic in refugee situations. Few NGOs include older refugees among their target groups because of misconceptions that older people are difficult to train, are not open to new ideas and are unable to participate effectively in community and economic activities.

Reducing the vulnerability of older refugees is not primarily about creating special services for them. It is about ensuring that they have equal access to vital services. It is about including older refugees in the planning and delivery of services and supporting their capacity to remain vital and contributing members of the community. The emphasis should be integrating older refugees into mainstream services and ensuring equity of service provision across all sectors of the community.

Older refugees do have unique challenges, however, that need to be addressed. They may have more difficulty accessing services at health clinics and food distribution points due to mobility problems. They may have difficulty getting fuel and water. Service providers may ignore them in designing supplementary feeding programmes, unaware of their special dietary requirements. Separation from, or loss of family members can lead to isolation, bereavement, depression and loss of support. Older refugees are often at increased risk of theft and physical and sexual abuse.

Although care for older persons is of major importance, more attention must be given to older refugees as a resource – making use of their many years of experience and skills. This is especially true when the combined effects of war, violence and HIV/AIDS wipe out an entire section of the community. They can be involved in teaching, child care, conflict resolution, and the preservation of traditional useful cultural practices as transmitters of norms, values and history.

Active older persons should be included in skills training, micro-credit schemes, and non-formal educational programmes. As older persons are a growing population amongst UNHCR's persons of concern (approximately 10%)¹⁰⁷ and women tend to be over-represented in the age category 60 and over,¹⁰⁸ there is increasing need to strengthen their roles in line with the positive roles they played in their country of origin like peace-building, problem resolution and negotiation.

In 1991, the United Nations agreed to a set of principles to guide social and civil practice toward older people:

- Independence
- Participation
- Care
- Self fulfilment
- Dignity¹⁰⁹

The *UNHCR Policy on Older Refugees*, endorsed by the Standing Committee in December 1991, is based on these principles of the United Nations policy.

¹⁰⁸ UNHCR, *The Situation of Older Refugees*, a UNHCR paper presented at the Standing Committee, 14 August 1998.

¹⁰⁹ UNHCR, *Women, Children and Older Refugees: The Sex and Age Distribution of Refugee Populations with a Special Emphasis on UNHCR Policy Priorities*, Population Data Unit, Population and Geographic Section, Geneva: 19 July 2001.

Annex H

Refugee Participation and the Ethics of a Participatory Approach

The potential positive impacts of refugee participation include:

- Refugees become equal partners in the process and hence, UNHCR further respects and accepts refugees as central to all planning, implementation and evaluation processes.
- Refugees will neither blame UNHCR and NGOs for all problems nor see UNHCR and NGOs as surrogate parents; dependancy and lethargy is reduced.
- Programmes are more likely to be cost-effective and successful in meeting objectives;
- UNHCR will communicate more effectively with donors regarding resource constraints, based on the information gathered from the refugees.
- Host governments will understand and appreciate the need to work with refugees as equal partners and not see them as a burden.

The system of refugee representation should:

- Be *truly representative* of the different interests and sectors of the community, and include both women and men of different ages including young people (this may require reserving spots or quotas for women, ethnic minorities and youth in the election rules and process).
- *Include various levels* of representatives and leaders to ensure adequate representation and access for individual refugees.
- *Avoid unconscious bias*, for example on the basis of language. There is no reason why a refugee should be representative of the community simply because he or she has a common language, such as English or French, with those providing outside assistance.
- *Be based on traditional leadership systems* as much as possible provided these allow proper representation (for example, if the traditional leadership system excludes women, there should nonetheless be women representatives). Culture and tradition cannot be used as reasons to exclude refugee women from participation in decision-making.
- *Be consistent with the physical divisions* in the layout of the site (by block, section, etc.).
- Have *clear and transparent processes*, which have been thoroughly communicated and understood by all stakeholders.
- Take into account the *particular situation of minority groups* and ensure their representation and participation.
- Incorporate a *system for checks and balances*, that is, even once a proper representative mechanism has been established, contacts between UNHCR, and the NGOs with the refugee community should not be confined to these representatives (such checks and balances may include random house visits, feedback from persons with specific needs, putting a complaints mechanism in place, etc.).

Ethics of a Participatory Approach¹¹¹

- **Participation should be purposeful** – efforts to mobilize refugee populations are most effective when linked to issues perceived by the community as significant.
- **The terms of participation should be clear** – questions of available resources and priorities should be openly discussed with the refugee community.
- **Participation deserves a response** – Refugees and implementing partners need to be kept informed of the actions taken and outcomes based on consultations. Refugees complain they are frequently called to meet and spend time discussing issues and plans, but are rarely given a response. Implementing partners complain that they are left equally in the dark by UNHCR about its decision-making processes, yet frequently asked to explain or defend UNHCR decisions taken.
- **Responsibility for something requires the means to get it done** – Where refugees and their organizations are entrusted with the responsibility of carrying out tasks on behalf of the community, an assessment must be made of the human and material resources required to get the job done (including an acknowledgement of the time costs for what the refugee community is already providing, for example, refugee women's time in preparing food, gathering firewood, and fetching water).
- **Expectations of volunteerism should be carefully and periodically reviewed** – As refugees are increasingly expected to provide for their own needs, their time devoted in giving back to their community becomes increasingly limited and valuable. UNHCR and NGOs need to carefully reflect on what can be expected of volunteers and how they might be compensated in-kind for services.
- **Transparency in decision-making processes is of paramount importance** – It is important to include credible refugee representatives in decision-making processes related to all assistance and income-generating activities on behalf of the refugee population.
- **Women's representation, leadership and participation should be real, not token** – At least 50% of refugee committee representation should be women¹¹² and this representation should be real rather than token with women's voices and ideas solicited and their input heard and acted upon. In cultures that prohibit mixed sex participation, other avenues for women's participation and input need to be identified and implemented. Such practices may include establishing separate Women's Committees, running regular focus groups with women refugees and establishing separate, parallel structures – male and female – where decisions must be agreed to by both structures.
- **Refugee children and youth have a right to participate¹¹³** – The input, concerns and ideas of refugee children and youth are solicited and taken seriously. They need their own fora for participation as well as access to participate in the broader refugee leadership and sectoral committees.

¹¹¹ CASA Consulting: *Independent Evaluation of the Community Services Function*, EPAU/2003/02, Montreal: March 2002.

¹¹² See, Commitment #1 of the High Commissioner's Five Commitments to Refugee Women: 50% women in management and leadership representation.

¹¹³ Convention on the Rights of the Child, Article 12.

Annex I

A rights-based approach including accountability to refugees

In a rights-based approach, human rights principles guide all programming in all phases of the programming process, including assessment and analysis, programme planning and design (including setting goals, objectives and strategies); implementation, monitoring and evaluation. Among these human rights principles are:¹¹⁴

- **Universality and Inalienability:** Human rights are universal and inalienable. All people in the world are entitled to them and they cannot be taken away.
- **Indivisibility: Human rights are indivisible;** whether of a civil, cultural, economic, political or social nature, they are all inherent to the dignity of every person. Consequently, they all have equal status.
- **Interdependence and Interrelatedness:** The realization of one right often depends, wholly or in part, upon the realization of others.
- **Non-discrimination and Equality:** All individuals are equal as human beings by virtue of the inherent dignity of each person. All human beings are entitled to their human rights without discrimination of any kind.
- **Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized. Participation is valuable not just as a means to other ends but also as a fundamental human right that should be realized for its own sake.
- **Accountability and the Rule of Law:** States and other duty-bearers are answerable for observance of all human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments.¹¹⁵

The following elements are **necessary and unique** to a human rights-based approach:¹¹⁶

- a. **Identification of the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers,** as well as the immediate, underlying, and structural causes when rights are not realized.
- b. **Assessment of the capacity** of rights-holders to claim rights and of duty-bearers to fulfil obligations; development of strategies to build these capacities.
- c. **Monitoring and evaluation of programme outcomes and processes** are guided by human rights standards and principles.
- d. **Informed programming** based on the recommendations of international and relevant regional human rights bodies and mechanisms.

¹¹⁴ UNICEF, Annex B.

¹¹⁵ Definitions from: M.L. Silva, *The Human Rights-Based Approach to Development Cooperation, Towards a Common Understanding among UN Agencies*, OHCHR, Geneva: 2004.

¹¹⁶ UNICEF, *The State of the World's Children*, Annex B.

Checklist for Accountability

An **accountable organization**, whether UNHCR or NGO, should have the following characteristics:¹¹⁷

- ✓ Complaints and investigations mechanisms are in place for staff and external stakeholders
- ✓ Decision-making and information sharing on resources is transparent
- ✓ Stakeholders are consulted and participate in planning
- ✓ Critics, complaints and views of stakeholders are responded to
- ✓ Resources are sufficient and used effectively
- ✓ Work is done on the basis of standards and indicators
- ✓ Hard-working staff and professionalism amongst staff at all levels
- ✓ Mechanisms and strategies for monitoring compliance with standards are established
- ✓ Oversight and evaluation on operations are regularly carried out
- ✓ Results of evaluations are reported to the public
- ✓ Donors and partners provide support
- ✓ All staff, including senior managers, are committed to accountability
- ✓ Accountability of staff is reflected in performance appraisal processes and is linked to promotions

¹¹⁷ Adapted from, UNHCR, *Accountability II*, The Management Learning Programme, Staff Development Section, Geneva: 2004.

Annex J

Protecting the Refugee Community A Field Worker's Checklist for Program Effectiveness

- What are the refugee community demographics? How many men? Women? Boys? Girls?
- How many female heads of household? Male heads of household? Child heads of household?
- How many women are consulted on the physical and social organization of the camp?
- How many refugee women serve on program planning and implementation committees?
- Do women community leaders comprise 50% of all program committees?
- How many refugee women monitor program effectiveness?
- Do the refugee women involved represent a cross-section of the community?
- How many refugee women work with the agency in decision-making and leadership positions?
- How many programs, especially skills-building and income-generating, are targeted specifically to women and offered at times and places readily accessible to all women?
- Is outreach to women being conducted to increase their participation?
- Are refugee women issued their own registration cards to ensure their independent access to assistance?
- How many refugee women are involved in the distribution of food and other basic items?
- How many women are consulted in the method of food delivery? How many food distributors and food monitors are women?
- Is the nutritional status of women and children being monitored?
- Are refugee women informed directly of their international human rights and being given information on the determination of their refugee status and their options?
- How many female protection officers are in the refugee camp and observing border activity?
- Are mechanisms in place by which women can report physical or sexual abuse confidentially?
- How many female interviewers and interpreters are available?
- How many single heads of household, widows and unaccompanied children are quartered in safe areas of the camp?
- Is the camp guarded at night by trusted members of the community?
- How many protection officers monitor paths to food, water and fuel? How many officers monitor paths to latrines, especially at night? Are these paths well-lit?
- Are refugee women hired as day-time guards?
- How many female health workers are recruited, trained and employed?
- Is reproductive health care being provided to women and girls of all ages?
- Are health services realistically accessible to women and their families?
- How many refugee girls are in school? How many female teachers are employed?
- Are copies of the UNHCR Guidelines on the Protection of Refugee Women available to staff? What efforts have been made to familiarise staff with them?
- Are your staff trained on gender sensitivity, gender equity and human rights?

Based on the *UNHCR Guidelines on the Protection of Refugee Women*.

Prepared by the Women's Commission for Refugee Women and Children.

Annex K

Minimum Standards for SGBV Prevention and Response Programming

1. Minimum Standards: Referral Mechanisms and Victim/Survivor Support

Referral mechanisms

- Ensure that Standard Operating Procedures (SOPs) are developed and shared amongst all partners.
- Ensure that an inter-agency coordination mechanism is in place, which includes regular consultations among partners.
- Ensure that there is clarity between the role of UNHCR and partners with regards to referral processes.
- Develop a Memorandum of Understanding to guide role clarifications between UNHCR and partners.
- Ensure that the principle of confidentiality is upheld by all partners.
- Ensure document security for individual SGBV cases being followed up.

Victim/survivor support

Medical Support

- Ensure access by all survivors to medical services.
- Include sexually transmitted infections check-up and treatment as part of medical support.
- Where possible and upon request, ensure HIV/AIDS counselling and testing.
- All medical staff should undergo training to enable them to handle SGBV cases.
- Ensure accessibility of medical records for legal follow-up.
- Victim/survivors should have access to a medical follow-up two weeks after first visit.

Legal Support

- All victims/survivors should have access to legal assistance.
- All victims/survivors should have access to the medical report form to facilitate legal follow-up.
- Legal counselling to victims/survivors should be provided by legal counsellors.
- All victims/survivors should have access to judicial representation.
- Feedback on progress vis-à-vis legal follow-up should be provided on a regular basis to victim/survivors.

Psychosocial Support

- Implementing partners providing psychosocial care should have competent and qualified staff.
- Psychosocial programmes should be adapted to suit the cultural settings of the victims/survivor.
- Close follow-up should be ensured in the delivery of psycho-social care.

Physical Security Support

- Physical protection in the form of police presence, safe havens and relocation options should be available for victim/survivors.
- Camp layout structure should be informed by a process of analysis involving the community, which leads to identification of safe havens and risk zones.

Community level support

- Ensure the community is consulted in designing standards.
- Ensure there are established community support groups to support the survivor.
- Invest in building the capacity of the community to be able to support the survivors e.g. knowledge of the services and provisions provided.

Material Support

- Material support to victims/survivors should be provided based on a case-by-case assessment.

2. Minimum Standards: Coordination and Reporting on SGBV Cases

Coordination

- Create a multi-sectoral inter-agency working group of all stake holders (including UNHCR, implementing partners, government and refugees) with clear roles and responsibilities.
- Appoint a UNHCR focal point with Terms of Reference. The focal point should have the ability to dedicate time, have skills to mobilize stakeholders, be a senior staff within the office and be required to exercise accountable leadership.
- Ensure periodic Code of Conduct sessions are convened for all stakeholders.
- Establish regular coordination meetings to review all actions for prevention and response to SGBV at a number of levels:
 - Field level: meet at least once a month
 - Regional level: meet at least once a year.
 - National level: meet at least once a year
- Ensure regular reviews of existing budgets and projects with Programme staff to prioritise within the budget actions for SGBV prevention and response in all sectors.

Monitoring

- At field level develop a plan of action based on situational analysis.
- Conduct sector by sector survey for protection based on UNHCR's Guidelines and develop action plan for prevention and response.
- Establish indicators for monitoring: a) performance, b) impact.
- Ensure regular feedback to persons of concern and other partners.
- Compile 6-monthly progress reports measured against objectives and indicators.

Reporting

- Ensure standardised reporting forms which should be agreed by all stakeholders.
- Ensure agreement on reporting channels, mechanism and frequency of reporting.

- Reporting should include gender and age-disaggregated data.
- Reports should include statistics as well as status of cases being followed-up.
- The principle of case confidentiality should be upheld in reporting.
- There should be feedback from the branch office/HQ level to field-based teams on the reports received and action taken.

3. Minimum Standards: Training and Capacity-Building

- Ensure that all staff and partners (implementing partners, government counterparts, refugees) receive a basic sensitisation and awareness-raising on SGBV prevention and response, which should address:
 - Basic concepts of SGBV
 - Understanding of a rights-based approach
 - UNHCR's protection mandate
 - Causes and consequences of SGBV
 - Referral processes in place
 - Strategies for prevention of SGBV
- The SGBV Guidelines should serve as the main substantive tool to inform the content of training activities.
- SGBV training activities should be followed-up consistently with clearly outlined programme monitoring and reporting strategies and targeted outputs.
- SGBV focal points should be senior staff at branch office level, with ability to influence senior management decisions and coordinate SGBV programmes at a national level.

4. Minimum Standards: Working with Men for SGBV Prevention and Working with Perpetrators

Prevention

- In addition to joint training initiatives, ensure separate training on gender for male and female staff, partners, refugees.
- Target 30% male participation in all SGBV trainings.
- Senior male staff in UNHCR should share accountability and responsibility for promoting SGBV prevention.
- Each country programme should identify at least one implementing/operational partner with specialised capacity of working with men for SGBV prevention.
- Each country operation should identify and build the capacity of one male staff to take the lead in facilitating SGBV training.
- SGBV training workshops should use one male and one female facilitator.
- Target male refugees as advocates for gender equality by employing a go-where-men-go strategy, i.e., targeting recreational facilities and informal networks.
- Ensure SGBV programmes target and make provisions to support male survivors.

Perpetrators and Potential Perpetrators

- Use male staff (sensitised to issue of SGBV) to work with male perpetrators.
- Establish/strengthen basic mental health programmes targeting and boys.
- Support the establishment of men's clubs and recreational activities, discussion fora and ensure men's participation and access to income-generating activities.
- Ensure existence of a strategy to facilitate reintegration of perpetrators.
- In camp situations, ensure an in-camp rehabilitation centre for perpetrators as a forum for counselling and monitoring their rehabilitation.
- Create a database of imprisoned refugees to facilitate family reunification after release, including when repatriation is initiated.

Annex L

SGBV Incident Report Form

Page 1 of 4

Instructions Form to be completed by fully trained and designated staff.
Original to be maintained in designated agency (outside camp.)
Copy to be delivered to UNHCR Protection Officer, in sealed envelope, as soon as possible. (If survivor wishes to report incident to police, Protection Officer must have copy within 24 hours.)
Attach additional pages with continued narrative, if needed.

Note ***This form is NOT an interview guide. Staff must be properly trained in interviewing survivors. Separate forms are available for counselling and health exam/treatment.***

Incident type Secondary Incident Type
Case Number Camp/Address (for urban and returnee caseload) Date and Time of Interview
Previous Incident Numbers for this Client (if any)

Victim/survivor information

Name: Age: Yr. of birth: Sex:
Address: Tribe/Ethnic background: Marital Status: Occupation:

No. of Children: Ages: Head of family (self OR name, relationship to survivor):

UNHCR 'vulnerable' designation (if any): Ration Card No. or ID Card No.:

If victim/survivor is a child: Relation:
Name of Caregiver:

The incident

Location: Date: Time of day:

PERPETRATOR INFORMATION

Name: No. of Perpetrators: Sex:
Address: Nationality: Age: Tribe/Ethnic Background

Relationship to Victim/Survivor: Marital Status: Occupation:

If perpetrator unknown, describe him/her, including any identifying marks:

Current location of perpetrator, if known:

Is perpetrator a continuing threat?

If perpetrator is a child: Name of Caregiver: Relation:

WITNESSES

Describe presence of any witnesses (including children):

Names and Addresses:

ACTION TAKEN – any action already taken as of the date this form is completed

| Reported to: | Date Reported | Action Taken |
|--|---------------|--------------|
| POLICE | | |
| Name | | |
| SECURITY | | |
| Name | | |
| UNHCR | | |
| Name | | |
| LOCAL LEADERS | | |
| Name(s) | | |
| HEALTH CARE | | |
| See page 3 of this form for name/info. | | |

MORE ACTION NEEDED AND PLANNED ACTION - as of the date this form is completed

Physical security needs assessment and immediate safety plan:

Has the victim/survivor received any kind of counselling – if yes, which kind?

Is victim/survivor going to report the incident to the police?

| | | |
|---|-----|----|
| Is she/he seeking action by elders' tribunal/traditional court? | Yes | No |
| | Yes | No |

What follow-up will be done by community development/SGBV workers?

What further action is needed by UNHCR and/or others?

Form completed by (Print Name):

Signature

CONSENT FOR RELEASE OF INFORMATION

To the staff member or volunteer completing this form:
*Read the entire form to the client, explaining that s/he can choose any (or none) of items listed.
Obtain signature or thumbprint with witness signature.*

I _____, give my permission for the
(Print victim/survivor name)

Following organizations to share information about the incident I have reported in this form, and about my current needs. I understand this permission is needed so that I can receive the best possible care and assistance. I understand that the information will be treated with confidentiality and respect, and shared only as needed to provide the assistance I need and request.

(Mark with an X all that apply)

Community Services agency (name)

Health Centre (name of organization)

UNHCR (Protection Officer, others)

Police

Camp / block leader. Specify name(s):

Others, specify:

Signature or thumb print

Witness (signature or thumb print)

Date _____

Annex M

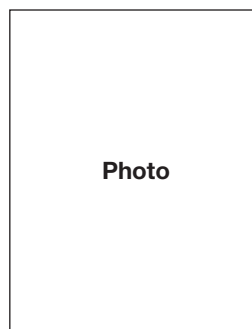
REGISTRATION FORM FOR UNACCOMPANIED AND SEPARATED CHILDREN

ICRC ID No. _____

UNHCR ID No. _____

Other ID No. _____

(Please specify organization)



Unaccompanied child

Separated child

Please Note:

- A separated child is any person under the age of 18, separated from both parents, or from his/her previous legal or customary primary care giver, but not necessarily from other relatives. An unaccompanied child is any person who is under the age of 18, separated from both parents, or from his/her previous legal or customary primary care giver and also his/her relatives.
- If the child does not remember his/her address, please note other relevant information, such as descriptions of mosques, churches, schools and other landmarks.

Please fill out this form with a ballpoint pen. (1 form per child except for siblings under point 2.)

1. Identity of the child

Personal ID document type and no. _____ Sex M F

Full name (as expressed locally) _____

Also known as (nickname) _____

Name(s) given to the child by others after separation from parents? **Yes** **No**

Date of birth/age _____ Place of birth _____

Nationality _____ Country _____

Ethnic group _____

Language(s) spoken _____

Distinguishing physical characteristics _____

Father's full name _____

Alive Dead don't know

Mother's full name _____

Alive Dead don't know

If father and/or mother believed dead, please give details _____

Other persons familiar to the child _____

Address of the child before separation (i.e. where the child grew up) _____

_____ Tel. no _____

Person(s) with whom child lived _____

2. Siblings (brothers/sisters) accompanying the child

A. Full name _____
Date of birth/age _____ Place of Birth _____ Country _____
Current address _____
_____ Tel. no. _____

B. Full name _____
Date of birth/age _____ Place of Birth _____ Country _____
Current address _____
_____ Tel. no. _____

3. Current care arrangement of the child

a. Children's centre b. Foster family (please specify nationality) _____
c. Other (please specify) _____
Full name of institution/person(s) responsible _____
Address _____
_____ Tel. no. _____
Date this care arrangement commenced _____
Place foster family intends or is likely to return to or resettle in:
Address _____ Country _____

4. History of separation

Date of separation _____ Place of Separation _____ Country _____
Circumstances of separation _____

List additional movements between place of initial separation and current location _____

5. In case the child has been evacuated

By whom / through which organization? _____ Date _____
Reason(s) for evacuation _____
From where? _____ To where? _____

6. Additional protection concerns

| | | |
|---|------------------------------|-----------------------------|
| Has the child been associated with an armed force or armed group? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Child headed household | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Disabled child | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Medical | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Street child | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Girl mother | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Abuse situation | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Other (please specify) | | |

Further information _____

Immediate action required? Yes No _____

7. Wishes of the Child

Person/s child wishes to find

Father Mother Brother Sister

Other (please specify) _____

A. Full name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

B. Full Name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

C. Full Name and relationship _____

Last known address _____

_____ Country _____ Tel. no. _____

Is the child in contact with/has heard from any relative(s)? (please give details) _____

Does the child want family reunification? Yes, as soon as possible Yes, later No

8. Interview by other organization involved in tracing

Has the child been interviewed by any other organization(s)? Yes No

Name of organization(s) _____

Place of interview _____ Date _____

Country _____ Reference no. given to the child by other organization _____

9. List of documents carried by the child

10. Additional information which could help trace the child's family

(please ask the child where he/she thinks his/her relatives, including siblings might be or whether the child is in contact with any family friend)

11. Disclosure of information

Does the child/guardian agree to the public disclosure (on radio, Internet, etc.) of his/her name and the names of relatives for the purpose of tracing his/her family? Yes No

12. Place and date of interview _____

13. Information obtained from: the child guardian other (please specify)

14. Name of interviewer and organization _____

15. Organization in charge of tracing the child's family

(please specify name, address and contact numbers) _____

16. Signature of the child (if old enough) _____

Annex N

General references

Conventions

- *1951 Convention relating to the Status of Refugees* of 28 July 1951.
- *1967 Protocol relating to the Status of Refugees* of 31 January 1967.
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, adopted by the General Assembly of the United Nations on 10 December 1984.
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UNHCR's Refworld

Many of the documents referenced above, and elsewhere in this Guide, are available on UNHCR's Refworld.

UNHCR's Refworld is collection on CD-ROM and soon, DVD, that allows easy access to reliable and up-to-date information related to refugees and human rights. It has been referred to as a 'refugee encyclopedia' as it contains documents ranging from background country reports to legal position papers and guidelines. The information has been collected not only from UNHCR's global network of field offices, but also from governments, non-governmental organizations, academic institutions and judicial bodies in order to facilitate the work of decision-makers, analysts, human rights actors and academics.

Refworld is a unique information tool comprised of nearly 90,000 full-text searchable documents, the *International Thesaurus of Refugee Terminology*, national legislation on issues pertaining to asylum and statelessness, international and national jurisprudence, newly-added documents in French, German, Spanish, and Russian, and 700 maps of countries of origin and of transit. The user can also browse through UNHCR's library catalogue, which contains nearly 18,000 references to books, refugee magazines, articles and conference reports.

Annex O

Afterword and Acknowledgements

This Reference Guide seeks to improve implementation of protection, specifically the protection of refugees in camps and settlements. However, it is also about strengthening our working relationships with refugee women, men, girls and boys as active and respected partners who contribute to and take part in the decisions regarding their protection and future lives. It is about deepening our working relationships with non-governmental organizations to an ever more active, dynamic, equal and ever-evolving partnership. This Reference Guide is about challenges and solutions, about creativity and innovation, and about initiative and change. Change in the way we do our work. Change in the way we work with each other.

Ensuring the protection of refugees in camp settings continues to present a major challenge to UNHCR, NGOs and government partners. Lack of access to services, exposure to violence, including sexual and gender-based violence, vulnerability to exploitation due to the camp context, lack of documentation, the possibility of *refoulement*, absence of an effective law enforcement presence, and the lack of judicial systems are just a few of the protection problems which particularly impact refugees in camps. Though many manuals, guidelines and standards have been developed to deal with various aspects of protection, recent evaluations and investigations have revealed that there are many persisting gaps in the practical implementation of these guidelines in the field.

While focused on refugee camp settings, this Guide in no way promotes the establishment or continued use of camps for sheltering refugees. However, considering that camp settings, in particular during the initial phases of emergencies are often the only way to comprehensively, efficiently and effectively address the survival needs of refugees, camps consequently remain a reality for many refugees. As such, this Guide focuses on enhancing protection in those settings and, thus, improving the quality of life in camps. Many of the guidelines synthesized herein as well as the good practices detailed are applicable and/or modifiable for urban settings and refugee settlement contexts as well.

Host country governments have primary responsibility for the protection and security of refugees on their territory. UNHCR's mandate covers the provision of international protection and assisting government in finding durable solutions for refugees. Based on this understanding of responsibilities, different actors (government, UNHCR and NGOs) come in and implement programmes and activities that complement each other to secure the rights of persons of concern.

In order to carry out these responsibilities, all of us need a common understanding of what protection truly means and how it can be accomplished. What does protection involve? Who does it apply to and how? What mechanisms can be applied to ensure that groups and individuals with specific needs are not overlooked? Whether evident or not, assistance programmes respond to protection needs and should contribute to protection goals. The placement of water taps and toilets, the layout of a refugee camp, the involvement of women in refugee leadership and food management committees, and non-formal education programmes for adolescents all have protection goals. The careful planning and structuring of such

programmes with the active participation of the refugee community can help prevent problems and facilitate the protection of refugees.

In 1999, UNHCR and NGOs published, 'Protecting Refugees: A Field Guide for NGOs,' to help delineate the various roles NGOs could and should play in strengthening the protection of refugees. As stated in its Introduction, 'This Field Guide represents the first, not the final, product of the collaborative work between UNHCR and its NGO partners.'

As such, this Guide represents an ambitious continuation of these efforts and serves as a sister product to both the 'Protecting Refugees: A Field Guide for NGOs' and the more recent 'Camp Management Toolkit.' It seeks to further the collaboration between UNHCR, local government and the NGO community and demonstrates how that can be achieved by providing concrete examples of the roles we can all play, individually and collectively, in addressing present challenges.

Indeed, protecting refugees has become increasingly difficult. Often host governments and local communities are unable or reluctant to live up to commonly adhered to international standards and norms. Civil conflict and armed elements threaten refugees in many settings. Dwindling resources, both personnel and financial, have led to circumstances where often we have to do more with less. New concerns, or awareness of previously less visible human rights violations or phenomena, such as the sexual exploitation of refugees, the emergence of child-headed households resulting from parents lost to AIDS, and the reintegration of child soldiers have further complicated our work. We, UNHCR, the NGO community, and host country governments must strengthen our alliances to meet these challenges. In sharing our unique strengths, expertise and resources, we can promote responsive and effective partnerships.

Although numerous guidelines and policies exist to assist us and guide us, implementation of these guidelines can be difficult on the ground, in the complex realities of the field. This Reference Guide provides practical guidance on how to address and manage these implementation challenges. It is based on the direct field input from many UNHCR and NGO offices and on input received from the refugee communities themselves – who, too, must be our partners in protection. We must learn from the refugee community, recognise and respect their capacities and contributions and be guided by them. The role of refugees must be that of full participants and equal partners.

This Guide highlights some of the major challenges the international community currently faces in the protection of refugees. Each chapter focuses on a particular issue and provides a snapshot of existing guidelines or policies related to that issue. The chapters then delineate some of the current obstacles and challenges in implementing the existing guidelines and policies and provide examples of good field practices being implemented by UNHCR, NGOs, host governments and refugee communities in overcoming or addressing those challenges. Finally, each chapter concludes with a listing of reference materials where practitioners can go to get further information on the subject area. It is not easy. There are no simple solutions. The main challenge is translating existing guidelines into practice. Together, however, we can make a difference and we can better serve, work with, and protect refugees.

Dale Buscher
Nov. 2004

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Team Leader:

Dale Buscher, UNHCR/DIPS NGO Consultant

Project Supervisor:

Philip Karani, UNHCR/DIPS

Philippe Leclerc, UNHCR/DIPS

Editor:

Gregory Balke, UNHCR/DIPS

Project Team:

Alemtsehai Zeleke, UNHCR/DOS

Nancy Polutan, UNHCR/DOS

An Advisory Committee guided, monitored, and edited the project. Advisory Committee members included:

- Joseph Aguetant, International Rescue Committee (IRC)
- Gregory Brown, IRC
- Daisy Dell, UNHCR/DOS
- Laurens Jolles, UNHCR/DIPS
- Anne-Marie Kerrigan-Deriche, UNHCR/NGO Liaison Unit
- Iain Hall, UNHCR/Emergency and Security Service
- Terry Morel, UNHCR/DOS
- Antonia Potter, Concern Worldwide
- Elisabeth Rasmusson, Norwegian Refugee Council (NRC)
- Craig Sanders, UNHCR/NGO Liaison Unit
- Ed Schenkenberg, International Council of Voluntary Agencies (ICVA)
- Manisha Thomas, ICVA

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