

# PROVIDING PROTECTION AND ASSISTANCE

## PROTECTING REFUGEES AND ASYLUM-SEEKERS

UNHCR's Mission Statement reiterates the Office's mandated duty to "safeguard the rights and well-being of refugees." It emphasises that "UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, and to return home voluntarily," and that "international refugee law provides an essential framework of principles for UNHCR's humanitarian action."

UNHCR pursues these objectives through a range of activities that constitute the daily practice of providing protection, including:

- assessing needs;
- ensuring the granting of asylum and admission to asylum countries;
- intervening with national authorities to avoid *refoulement* and assure access to refugee status determination procedures;
- ensuring the regularisation of status in asylum countries, including registration of birth and access to employment;
- identifying vulnerable groups and prioritising assistance to ensure their physical security, access to food and safe accommodation, and primary education;
- promoting and implementing other durable solutions, including resettlement or local integration, when appropriate;
- identifying resettlement needs, including the special protection needs of refugee women and children, and processing submissions for such refugees applying for resettlement in third countries;
- overseeing and monitoring the treatment of refugees and asylum-seekers;
- building national institutions, and advocating the passage of national legislation and enforcement mechanisms to implement the refugee and statelessness conventions (these activities include strengthening government capacity to assume full responsibility for refugee status determination procedures and training government officials on international protection, UNHCR's mandate and States' obligations towards refugees);

- co-operating with civil society and non-governmental organisations (NGOs) to foster grassroots support for access to asylum in host countries;
- reporting to international bodies;
- promoting refugee law, including educating refugees on their rights and educating the population to counteract public intolerance of refugees;
- promoting with governments and with international organisations measures to remove or attenuate the causes underlying the flight of refugees, so as to establish conditions conducive to safe and dignified return; and
- facilitating, assisting and monitoring the safety of voluntary repatriation, when feasible.

When these activities are successful, persons of concern to UNHCR enjoy respect for their basic human rights, including physical security, protection against *refoulement*, access to due legal process, the regularisation of their legal status in asylum countries, and lasting solutions to their problems as refugees.

### Main Protection-related Activities/Achievements

In planning its objectives for protection activities in 1999, UNHCR set itself four overarching tasks:

- combating the deteriorating quality of asylum;
- improving the efficacy of the international refugee protection system;
- ensuring worldwide consistency in the application of protection standards, to address the trend towards regionalisation of approaches to protection;
- re-vitalising old and building new partnerships for protection.

### Combating the Deteriorating Quality of Asylum

UNHCR undertook a range of activities aimed at further developing, clarifying and promoting a principled approach to managing asylum – one which balances the legitimate interests of States with the responsibilities towards refugees they have freely assumed.

- Within the context of the European Union's asylum harmonisation process, UNHCR closely followed the implementation of the asylum provisions of the

Amsterdam Treaty, to ensure that the proposed asylum and refugee policies incorporate adequate standards of protection for persons of concern to UNHCR. The Conclusions of the Tampere European Council of October 1999 recognised the primacy of the 1951 Convention and contained a pledge to work toward a European asylum system based on its full and inclusive application. UNHCR continued to monitor and influence state practice and jurisprudence in the area of refugee protection by providing guidance on eligibility and advising courts and other bodies on the interpretation of the international refugee instruments. During 1999, UNHCR also issued detailed guidelines on standards to be applied in cases of detention, relocation, cessation, and the relevance of the 1951 Convention to the contemporary context.

- Surveys conducted by UNHCR field offices showed that large numbers of individuals falling within the Office's mandate were subject to detention or similar restrictive measures in different parts of the world. This raised significant concern, both in relation to the fundamental right to liberty, and to the treatment to which they are subjected. UNHCR drew attention in relevant intergovernmental forums, including the Executive Committee of the High Commissioner's Programme (ExCom), to the increasing institutionalisation of such practices, and provided guidance to States on the international standards to be applied.
- UNHCR also sought through its resettlement activities to strengthen worldwide commitment to the principle of asylum. In 1999, Benin, Brazil, Chile, Burkina Faso, Ireland, and Spain joined the list of countries that grant asylum through resettlement programmes to refugees who cannot gain asylum elsewhere. Overall, UNHCR's resettlement efforts aimed to demonstrate clearly that the protection and well being of refugees are shared international responsibilities, rooted in respect for the principle of asylum.

### **Improving the International Refugee Protection System**

UNHCR not only strove to see existing basic treaty obligations applied, but also attempted to address issues not adequately covered in the 1951 Convention.

- National refugee legislation, consistent with international law and standards, is the cornerstone of effective protection of refugees and stateless persons. UNHCR continued to play an active role when-

ever governments formulated new or amended existing legislation affecting persons of concern to the Office. In the context of some voluntary repatriation operations, UNHCR promoted significant legal reform to remove legal and administrative obstacles to return. Major capacity-building efforts were also undertaken in a number of regions to support government and non-governmental structures in the area of refugee status determination.

- A note on family protection issues presented to UNHCR's Standing Committee in June 1999 highlighted the important role played by the refugee family in ensuring the protection and wellbeing of its individual members. Experience has shown that the family unit is more likely to integrate successfully into society (whether in its homeland or a new country) than its individual members. Therefore protecting the refugee family helps to ensure that durable solutions are lasting. UNHCR participated in Council of Europe discussions, which resulted in the adoption in December 1999 by the Committee of Ministers of a recommendation on family reunion for refugees.
- Children, adolescents and young adults were accorded special attention in the planning of protection operations. In 1999, a pilot project in East Africa reviewed the protection and other needs of refugee children and adolescents, to identify the best long-term solutions for them. A detailed report will follow this year.

### **Consistent Protection Standards Worldwide**

For UNHCR, ensuring worldwide consistency in the application of protection standards presented a substantial challenge, as States increasingly resorted to regional frameworks for managing refugee crises (for example in East Timor and West Africa). It responded with several inter-linked measures:

- UNHCR completed a series of regional workshops to discuss the tension that can arise between international humanitarian obligations and national interests, and to suggest how they might be reconciled at the national, regional and universal levels. One such workshop took place in Latin America in May 1999. There was overwhelming consensus on the need to build broad new constituencies of support for refugee protection.

- To strengthen front-line protection in field operations, UNHCR intensified staff training:
  - During the year, over 528 staff members received general protection training and specialised training in such areas as refugee status determination, monitoring of returnees and negotiation skills, all with a special focus on refugee women and children. Another 173 staff received protection briefings at Headquarters. Work also began on the design of multi-media training materials.
  - A series of 11 comprehensive training workshops on statelessness, including UNHCR field and Headquarters staff, were held in Azerbaijan, Italy, Lithuania, The former Yugoslav Republic of Macedonia, Malaysia, Moldova, the Russian Federation, Switzerland and the United States of America.
  - The Middle East Resettlement Project (MERP) aimed to develop a more comprehensive and consistent approach to resettlement in the Middle East region. It concentrated on improving resettlement-processing capabilities, including refugee status determination and the prompt and effective identification and preparation of applications for resettlement, through improved staffing. Under the MERP, UNHCR also undertook regional resettlement policy reviews, supported training initiatives and involved qualified national staff in the resettlement process. A project with similar objectives has been initiated for Eastern Europe.
  - Another series of regional workshops was held under the theme: “Integrating human rights into an effective refugee protection strategy.” These afforded protection staff in the field a better understanding of the relevance of human rights to the Office’s protection and assistance work and how UNHCR can best interact with other UN agencies working with human rights issues. The workshops were held in Central Asia (June 1999), France (February 1999) and Costa Rica (November 1999).
- To clear backlogs of cases awaiting refugee status determination – which arise unavoidably from time to time owing to unforeseen developments around the world – roving teams of Refugee Status Determination (RSD) officers were deployed to strengthen UNHCR’s offices. Starting with Cyprus and Thailand, the initiative was then broadened to help offices worldwide arrive at and benefit from a common approach to status determination problems. RSD procedures will be improved by standardised tools, such as searchable and transferable decision- and refugee-group management databases, RSD guidelines, training modules, forms, and checklists.
- Substantial progress was achieved in strengthening systems and methods for consistent application of standards and efficient protection in the field:
  - The *Resettlement Handbook* was updated and re-distributed in April 1999, on paper as well as in electronic form using the Knowledge and Information Management System (KIMS)/RefWorld CD-ROM and the UNHCR Intranet – in English, French and Spanish. This was complemented by the development of two new resettlement training modules and the convening of ten resettlement training seminars for UNHCR staff, governments and NGOs, in Azerbaijan, Benin, Egypt, Ethiopia, the Russian Federation, Senegal, the United States of America, and at UNHCR Headquarters.
  - The systems architecture of the Electronic Resettlement Information and Submission System (ERISS) was finalised in March 1999. Comprehensive pilot testing in co-operation with eight field offices in April 1999 helped add a number of functional improvements.
  - Pending the phased implementation of ERISS, two electronic templates of the UNHCR Resettlement Registration Form were designed and sent out to all UNHCR field offices in March. These templates already offer some of the features of the ERISS system, including extensive help, reminder and guidance functions.
  - In 1999, as part of the new Protection Information Management System (PIMS), UNHCR created a situation report database to improve the collection, storage and retrieval of monthly situation reports submitted by UNHCR offices in the field. The reports, which are forwarded to UNHCR Headquarters using a common automated format, are on the UNHCR internal website and can be searched by all staff with Intranet access.
  - Considerable progress was made in the development of a Protection and Programme Management System (PPMS) under the Integrated System Project (ISP). Please see the chapter on Organisational Development and Management. Its main objective is to establish a global infor-





mation system that can continually integrate Protection and Programme (Assistance) processes.

tus to its persistent efforts to mobilise States as well as non-state actors in support of the international refugee protection system.

- Ensuring consistency also entailed strengthened monitoring and supervision of protection work worldwide:
  - Policy reviews on “Women-at-Risk” as well as on minors and young adults were carried out to improve planning.
  - Reviews of the resettlement programmes in Eastern Europe and South-Eastern Europe were completed.
  - Following the 1999 restructuring of UNHCR Headquarters, a protection monitoring and oversight role was added to the Department of International Protection, independent of the Inspector-General’s inspection function. In addition to progress in developing an overall protection oversight plan, oversight missions were undertaken to a number of countries with the aim of reviewing and improving protection operations (The former Yugoslav Republic of Macedonia and Albania in May and June, East Timor in October and Thailand in November). At the same time, the evaluation of protection continued to form an integral part of the Inspector-General’s missions, and protection staff regularly participated in these.
- UNHCR continued to carry out its “Accessions Campaign”, a global promotional effort intended to increase the number of States parties to the 1951 Convention, as well as the 1954 Convention on Stateless Persons and the 1961 Convention on the Reduction of Statelessness. UNHCR’s field offices in countries that had not acceded to these conventions took advantage of the opportunities created by the campaign to vigorously promote training of government officials and the involvement of civil society in refugee and statelessness matters. In 1999, four States acceded to the 1954 Convention, two to the 1961 Convention, two to the 1951 Refugee Convention, and two to its 1967 Protocol (ten states in all).
- In parallel, the innovative “Reach Out” exercise was broadened. The second phase of “Reach Out” involves a year-long programme of dialogue between UNHCR and its NGO partners. With support from the Ford Foundation, the second phase was launched in New York in March 1999, in a consultation with the Chief Executive Officers (or their designated alternates) of 30 NGOs and UNHCR; with Governments, other UN agencies and NGOs attending as observers. The New York meeting launched a UNHCR-NGO Steering Committee to take forward concrete proposals deriving from the consultations. These included:
  - Mechanisms for sharing and use of sensitive information, including at field level;
  - Staff training and exchanges;

***Revitalising Old and Building New Partnerships for Protection***

Both UNHCR’s Statute and the 1951 Convention recognise that international co-operation is essential for UNHCR – and for States – to respond adequately to refugee problems. In 1999, UNHCR gave new impe-

- Capacity-building and collaboration with NGOs from the developing world;
- Co-operation and consultation in the context of standard-setting processes, including those of the ExCom;
- Promoting accessions to and compliance with the 1951 Convention, including the development of appropriate compliance mechanisms;
- Co-ordination and co-operation in advocacy activities.

By the end of the year, tangible achievements through “Reach Out” included the publication and dissemination, together with NGO partners, of *Protecting Refugees: A Field Guide for NGOs* in May 1999. There are also plans to develop a multi-year protection-training programme, on the basis of the guide, targeting implementing partner staff.

## PROTECTION AND ASSISTANCE

Protection and assistance are complementary. From the initial decisions that are made on camp design and layout to the longer-term programmes that assist refugees to find durable solutions, the choices made in the assistance sectors have profound effects on the protection of refugees. UNHCR stresses the crucial link between protection and assistance and helps its implementing partners monitor protection concerns as they provide assistance.

While some protection measures are quantifiable, much of UNHCR’s protection work cannot be quantified. Protection is as much the use of electric lights in a camp or identity cards for asylum-seekers as it is the presence of a Protection Officer or a UNHCR

## THE SECTOR APPROACH

UNHCR’s sector approach to protection and assistance offers easily quantifiable results. Legal assistance and protection is generally implemented directly by UNHCR, although partnership in this area is growing. Other activities are conducted through partners (NGOs, govern-

## LIFE-SUSTAINING ACTIVITIES

During emergencies, UNHCR’s primary concern is to ensure that refugees have enough water, food, and sanitary and health facilities. To this end, UNHCR co-operates closely with the World Food Programme (WFP). A Memorandum of Understanding (MOU) signed in 1997 defines the division of responsibility between the two agencies. WFP is responsible for providing and transporting basic food rations (cereals,

Consultations with national NGOs from the Asia/Pacific region were held in Bangkok in November 1999.

- UNHCR also worked to develop networks of national judges dealing with refugee issues. This move was underpinned by UNHCR’s need for the support of strong and independent judiciaries prepared to protect refugee rights, both in countries of asylum and in countries of origin. For similar reasons, UNHCR strengthened practical ties with bodies such as human rights commissions and ombudsmen, making use of the various mechanisms of the United Nations human rights system. These bodies often have broad powers to investigate and act on allegations of human rights abuses, and can complement UNHCR’s own work on behalf of refugees.

vehicle at a border post. The cost of protection work appears in budgets under the heading *Protection, Monitoring and Coordination*. Additional protection-related costs are also included under the headings *Legal Assistance* and *Administrative Support*.

Prior to 1 January 2000, UNHCR’s budget structure and accounting systems did not give due prominence to the Office’s protection components. The new Operations Management System (OMS) is redressing this problem. Until the OMS is fully in place, and for the purpose of this Global Report, the narrative information provided under the headings “Protection and Solutions” and “Legal Assistance” should be regarded as complementary.

ments, intergovernmental organisations, and other UN bodies). A full list of implementing partners is included in each chapter on a given country operation, Special Programme or situation.

oils, etc.) to warehouses near refugee camps, then UNHCR distributes these to the beneficiaries. WFP and UNHCR meet regularly to assess implementation of the MOU.

An estimated three million refugees and five million war-affected internally displaced persons received food rations furnished by WFP during 1999 and their nutri-

tional status remained generally satisfactory. Special projects – funded entirely by UNHCR for supplementary and therapeutic feeding of children under five and pregnant or lactating refugee women – were often implemented in collaboration with specialised NGOs. Supplies of drinking water met the internationally accepted standard of 20 litres of drinking water per person, per day. UNHCR co-operated with agencies with expertise in water and sanitation, or with competent government departments to ensure this minimum standard.

In the health sector, UNHCR co-operates with the World Health Organization (WHO) and specialised medical NGOs. The establishment of medical facilities (health posts, field hospitals and mobile clinics) is vital to ensure adequate care during emergencies and in areas accommodating large numbers of refugees, especially since local structures are often unable to cope.

### BASIC CARE AND ASSISTANCE

Refugees live in a variety of settings. Some have settled among the host population (Liberian refugees in Côte d'Ivoire, Afghan refugees in the Islamic Republic of Iran). Others have obtained land and are able, after receiving humanitarian assistance for a limited period, to become relatively self-reliant (refugees in Uganda). But in many countries refugees lead a mostly safe but stultifying existence in densely populated camps. Since refugees are generally excluded from the local labour market and unable to generate much income, they often depend entirely on humanitarian aid for survival. UNHCR's community services, income-generation and skills-training projects promote self-sufficiency among these refugees.

### SUPPORT FOR VOLUNTARY REPATRIATION AND RETURN

Voluntary repatriation is considered the most desirable durable solution for most refugees. Although they may have suffered the loss of family and property, often in war, most refugees want to return home when conditions permit. Internally displaced persons (IDPs) also wish to return home as soon as possible. UNHCR facilitates voluntary repatriation and return as soon as security and political conditions permit. During 1999, several large repatriation/return operations occurred, including to Afghanistan, Bosnia and Herzegovina, Cambodia, the Republic of the Congo, East Timor, Iraq, Kosovo (Federal Republic of Yugoslavia), Liberia, and

Health structures also benefit the local population and help improve general health services in the country of asylum. Once refugees have returned home, UNHCR usually promotes the rehabilitation of health structures in the country of origin during the reintegration phase. Refugee children are vaccinated according to standards set out in WHO's Expanded Programme of Immunisation. The incidence of HIV/AIDS and related illnesses in refugee situations and many refugee-hosting areas remained alarmingly high. UNHCR issued a policy regarding Refugees and HIV/AIDS in late 1998, and compiled a resource package for use in field operations. An officer seconded from the Joint UN Programme on HIV/AIDS (UNAIDS) joined UNHCR in 1999 to assess implementation of the guidelines and to strengthen co-operation with governments and specialised agencies to prevent the spread of HIV/AIDS.

UNHCR's education strategy ensures that all refugee children of primary school age receive adequate schooling. Special consideration is given to girls, since it is commonly recognised that their development and emancipation will bring long-term benefits to the family and the community, as a whole. This approach is contributing to far-reaching changes for refugee girls and women. Many refugees who did not believe in education for girls, for cultural and economic reasons, changed their minds during exile. Indeed, in 1999 many refugees decided to repatriate based largely on the firm prospect of education: for both boys and girls.

Somalia (please see the chapter entitled: The Year in Review). In many of these operations, UNHCR co-operated closely with the International Organisation for Migration (IOM) in transporting refugees and their belongings. In others, UNHCR provided its own trucks or buses, or rented other means of transport. UNHCR also provided cash grants and/or repatriation packages, consisting of essential household items and basic shelter materials, to support the initial reintegration phase. In all repatriation, UNHCR plays a major protection role by ensuring that repatriation occurs under conditions of safety and dignity.



## SUSTAINABLE REINTEGRATION

To prevent new outflows of refugees, UNHCR's repatriation and return operations include a reintegration component, which is aimed at making the move sustainable. In 1999, UNHCR provided substantial assistance to returnee communities around the world, mainly through small-scale quick impact projects (QIPs). These projects provided strategic bursts of support for these communities, while other agencies

and institutions began to offer more long-term assistance programmes and initiatives. UNHCR launched consultations known as the Brookings Process, in which UNDP and the World Bank are active participants. The process is seeking innovative ways to bridge the gap between short-term humanitarian assistance and longer-term development projects in post-conflict societies.



## POLICY PRIORITIES

### Refugee Women

One of the most important aspects of UNHCR's operations is to secure due recognition for the vital role of refugee women. In 1999, activities that targeted women were integrated into existing and new programmes, both during exile and after repatriation. Social attitudes often change during exile. As women acquire new skills and contribute to family income, attitudes within the community shift, and their roles change. In 1999, UNHCR supported skills-training programmes and small-scale income-generating activities for refugee women. UNHCR also lobbied for equal rights in a number of countries, particularly during refugee reintegration. UNHCR helped to combat violence against refugee women by raising awareness of the problem among refugee men, training law enforcement officials and training and organising women's support groups, both in camps and in returnee communities. A report on activities on behalf of refugee women is included in the section on Trust Funds.

### Refugee Children and Adolescents

In the wake of the United Nations Study on the Impact of Armed Conflict on Children (the Graça Machel Study), and in keeping with its own commitment to children's issues, UNHCR has declared support of refugee children and adolescents a policy priority for its protection and assistance activities. Projects targeting refugee children, such as Action for the Rights of Children (ARC) and the Peace Education Initiative, were whenever possible factored into existing Special or General Programmes. UNHCR maintained its traditional focus on primary school education (especially for girls) and special assistance with health and nutrition where necessary. Initiatives were also implemented to provide refugee children with psychosocial support: those who had suffered violence and other forms of trauma benefited from special counselling and play-therapy programmes. UNHCR also provided assistance to unaccompanied refugee minors (whenever possible, their families were traced and reunited) and worked to prevent sexual and other forms of exploitation. A report on refugee children and adolescents is included in the section on Trust Funds.

### The Environment

UNHCR's environmental activities are designed to prevent, mitigate and, when necessary, undo the negative effects of refugee settlements on the environment. In turn, these activities help secure the welfare of refugees and local populations, and foster good relations with

host governments. UNHCR hopes that its environment-related activities will serve as a catalyst for longer-term action by government authorities and specialised agencies. A policy to incorporate environmental activities into existing projects and operations was pursued throughout 1999. As part of the restructuring of UNHCR Headquarters, the post of Senior Co-ordinator on Environmental Affairs was abolished. Environment-related policy and technical issues have been assigned to the Engineering and Environmental Services Section (EESS) which has been placed within the Division of Operational Support. UNHCR believes that this merger of environmental policy and technical functions within EESS will ensure the integration of these concerns with basic sectoral activities covering water, sanitation, shelter, infrastructure, and site planning. A report on environment-related activities is included in the section on Trust Funds.

### Elderly Refugees

The International Year of Older Persons, which was marked in 1999, provided UNHCR with a valuable opportunity to re-examine its approaches to the mental and physical needs of elderly refugees and other older persons of concern to the Office. UNHCR also published a range of materials featuring the global situation of older refugees. UNHCR and the European Community Humanitarian Office (ECHO) jointly commissioned a study of the elderly in refugee emergencies, undertaken by an international NGO, resulting in *The Ageing World and Humanitarian Crisis: Guidelines for Best Practice*, covering all sectors, from health to shelter. In 1999, UNHCR also formulated a Policy on Older Refugees, which was endorsed by ExCom in February 2000.