



Assistance to asylum seekers in Europe

A guide for
National Red Cross and
Red Crescent Societies



International Federation
of Red Cross and Red Crescent Societies

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List of abbreviations

CEAR	Comisión Española de Ayuda al Refugiado
CIS	Commonwealth of Independent States
ECRE	European Council on Refugees and Exiles
ERF	European Refugee Fund
ESF	European Social Fund
EU	European Union
ICRC	International Committee of the Red Cross
IMSERSO	Instituto de Migraciones y Servicios Sociales (Spain)
IOM	International Organization for Migration
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
PERCO	Platform for European Red Cross Cooperation on Refugees, Asylum Seekers and Migrants
RMS	Bulgarian Red Cross Refugee-Migrant Service
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Foreword

As an Executive President of a National Society in south-east Europe, I have, over the last 10 years, closely experienced increased needs among refugees, returnees, asylum seekers, migrants and other displaced people. To assist these vulnerable groups has, therefore, become an essential part of my National Society's programmes.

With normalisation taking root and gradually being interlinked and superseded by European integration, the Republic of Croatia and the other countries in south-east Europe are looking towards eventual membership of the European Union (EU). Croatia has already signed a Stabilisation and Association Agreement with the EU.

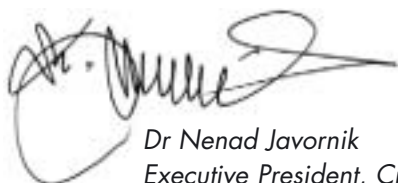
Refugee return is accelerating in the region. The year 2001 heralded a marked increase in the number of minority returnees. This accelerated and encouraging rate of return continued in 2002 and returns are now taking place throughout the country. In Croatia, more than 110,000 Croatian Serbs have returned to their homes. By the end of 2003, it is hoped that the majority of the displaced will have either returned home or will have found an alternative solution through local integration.

Meanwhile, Croatia and its neighbours are becoming transit and destination countries for asylum seekers from other parts of the world, in search of protection in Europe. The region also provides a convenient passage for migrants seeking entry into the EU. As the external border of the EU moves eastwards through enlargement, asylum seekers are increasingly at risk of being unprotected.

Governments of the Accession States are required to put in place national asylum systems in accordance with international and European standards, as well as enhanced border control regimes. Governments to the east are faced with increasing numbers of stranded asylum seekers and migrants who have not managed to enter the EU, adding pressures that they are ill-equipped to handle. National Societies are finding they have to redefine and in many cases expand their role in the field of asylum and their assistance to asylum seekers and other displaced people.

Following the adoption of a national asylum law and the introduction of an asylum process, the Croatian Red Cross is ready to work together with the Croatian Government and the United Nations High Commissioner for Refugees (UNHCR) to receive and accommodate asylum seekers and to provide legal assistance in cooperation with the Croatian Law Centre.

To facilitate the establishment of a well-functioning asylum system, the Croatian Red Cross, the UNHCR and the Delegation of the European Commission in Croatia initiated a Joint Coordination Group on Asylum, a series of round table discussions, and on 15 January 2003 the Croatian Red Cross assumed responsibility for the temporary accommodation of asylum seekers. In this context, the Croatian Red Cross is proud to endorse this guide, Assistance to asylum seekers in Europe, providing direction for the development of asylum activities.



*Dr Nenad Javornik
Executive President, Croatian Red Cross*

Foreword

The Plan of Action on Migration from the 2002 European Red Cross and Red Crescent Regional Conference in Berlin states: “International migration is neither a new phenomenon, nor is it in itself a crisis or a disaster. On the contrary, migration occurs in response to specific situations in both sending and receiving countries and gives all countries an opportunity for enhancing cultural diversity, establishing ties among peoples and contributing to peace”.

For people persecuted in their home country, the right to claim asylum in another country is fundamental. It is enshrined in Article 14.1 of the Universal Declaration of Human Rights that “Everyone has the right to seek and to enjoy in other countries asylum from persecution”. It is the responsibility of states to safeguard and administer the asylum process. National Red Cross and Red Crescent Societies have a complementary role to play based on the humanitarian needs of asylum seekers and refugees. Some European National Societies have, for many years, been active in this area. For others it is an issue that has been highlighted more recently.

The question of asylum seekers in Europe has moved up on the political agenda in recent years. The European Union (EU) is making serious efforts to establish a common EU asylum policy, harmonising laws and regulations. The enlargement of the EU requires accession countries to adapt their systems to EU standards and the new bordering states need to adopt laws and procedures for asylum seekers.

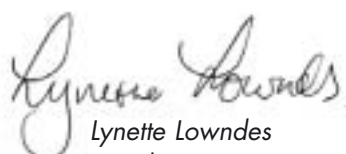
In countries of transition and those recovering from conflict it is worth noting that individual determination and individual rights are replacing collective, so called prima facie refugee determination processes. This is an important benchmark of change. The emerging asylum systems are an important part of EU enlargement and the Stabilisation and Association Process.

The Red Cross and Red Crescent can play, and in fact has played, an important role in this debate by advocating for humanitarian considerations and acting as the voice of the displaced. National Societies need to position themselves in a complementary but independent role to governments when taking these initiatives.

The Berlin Conference placed an emphasis on migration issues for European Red Cross and Red Crescent Societies. It underlined the need for communication and the exchange of experience among National Societies and with other organizations. This publication is part of the follow-up to the conference and provides a comprehensive guide for National Societies’ work with asylum seekers.

This guide explains the legal basis for Red Cross and Red Crescent engagement in this area. It also gives examples from National Societies that have already developed programmes for asylum seekers. Hopefully, this will stimulate other National Societies in Europe to develop new initiatives and programmes for protection, assistance and advocacy in favour of asylum seekers.

I would like to thank the National Societies that took part in the Zagreb meeting and who exchanged experiences in this area, an initiative that has led to the development of this guide. I also thank the Swedish Red Cross for making the production of this guide possible, by loaning a staff member to the Population Movement Programme in the Balkans, as well as through financial contributions.



Lynette Lowndes

Head, Europe Department

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1 Introduction

“The International Federation of Red Cross and Red Crescent Societies and its member societies are committed to improving the situation of the most vulnerable people. This challenge, identified by the International Federation’s *Strategy 2010*, applies to asylum seekers, refugees and the displaced in a particular way. Having lost their homes and depending on the support and protection of others, they are exposed to risks as long as no durable solutions are found.”

*Didier J. Cherpitel,
former Secretary General of the International Federation*

1.1 The Berlin Conference and assistance to asylum seekers

The VIth European Red Cross and Red Crescent Regional Conference, held in Berlin in 2002 (Berlin Conference) focused on international migrants, defined as those “who cannot avail themselves, or for whatever reason choose not to, of the provisions of the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol”.

However, this distinction is rather theoretical. In practice, different categories of migrants, whether falling under any internationally recognized definition or not, may be equally vulnerable and are frequently intermingled in so-called ‘mixed flows’. There may also be different national and regional interpretations of international definitions, leading to persons in similar situations falling inside or outside those definitions simply depending on their geographic location.

Accordingly, in keeping with the Fundamental Principles of the International Red Cross and Red Crescent Movement (Fundamental Principles), and as the Council of Delegates has pointed out, the Movement should retain “a global approach based on a response to needs rather than on categories of persons”. Also, the Berlin Charter, adopted at the Berlin Conference, calls for National Societies “to take immediate and sustained action to address the human vulnerabilities arising from all forms of population movement, irrespective of the status of the individuals themselves”.

In line with this latter inclusive approach, the Zagreb Meeting of Experts on Assistance to Asylum Seekers was convened in June 2002, on the heels of the Berlin Conference.

1.2 The Zagreb meeting of experts on assistance to asylum seekers

The Universal Declaration of Human Rights, to which the 1951 Convention relating to the Status of Refugees refers, establishes that “everyone has the right to seek and to enjoy in other countries asylum from persecution”. Likewise, the right to asylum is guaranteed by the Charter of Fundamental Rights of the European Union. Consequently, European states have obligations towards asylum seekers. But what is the role of European National Red Cross and Red Crescent Societies with regard to assistance to persons seeking asylum?

The Zagreb Meeting of Experts on Assistance to Asylum Seekers, held in June 2002, and part of the International Federation’s Regional Population Movement Programme, attempted to answer this question by sharing and pooling experiences of European National Red Cross and Red Crescent Societies assisting asylum seekers. It aimed to present a model for fostering networking and exchanging best prac-

ties between National Societies, as called for by the Berlin Conference, and served as a starting point for forming strategic partnerships between National Red Cross and Red Crescent Societies in the field of asylum, further strengthening the development of assistance to asylum seekers.

It also constituted an integral part of the International Federation's efforts to assist the National Red Cross Societies of Bosnia and Herzegovina, Croatia and Serbia and Montenegro in defining their respective roles and activities in the field of asylum. The issue of asylum, however, is a wider one and must always be considered in a broader European perspective.

This guide is presented as a follow-up to the Zagreb Meeting of Experts. It covers issues such as the legal base of activities and gives examples of best practices in a European perspective. The guide also includes an up to date compilation of Red Cross and Red Crescent resolutions in the field of assistance to asylum seekers, refugees, displaced persons and returnees, as well as a listing of examples of relevant international legal instruments. Hopefully, it will provide useful guidance to National Societies developing programmes benefiting asylum seekers, taking stock of selected relevant experience and systemizing examples of best practices of European National Societies in the field of asylum.

1.3 Complimentarity versus state responsibility

The mission of Red Cross and Red Crescent Societies, as formulated in *Strategy 2010*, is to improve the lives of vulnerable people by mobilizing the power of humanity. Service delivery and advocacy are its tools.

The role of service provider is essentially complementary (auxiliary); in the words of *Strategy 2010*, "complementing where formal systems do not reach". Accordingly, in the context of established and emerging public institutions, services delivered by National Societies should complement those provided by the government; National Societies "support the public authorities in their humanitarian tasks" (Statutes of the International Red Cross and Red Crescent Movement). In parallel, advocacy must be employed whenever necessary to ensure state responsibility, and to reaffirm the entitlement of every individual to enjoy basic human rights, in accordance with national and international law.

It should also be noted that the precise boundaries of state responsibility might vary from country to country and from time to time. As observed in *Strategy 2010* there is presently a general tendency of governments to "leave more of the responsibility for service delivery to market forces and an increasingly competitive voluntary sector". Also, a National Society may act as a 'pioneer', initiating innovative services, responding to emerging needs, which may at a later stage be recognized as falling within the boundaries of government responsibility. In any event, state, EU or UN funding should always be ensured for programmes (or part of programmes) providing services considered state responsibility.

In short, it is not for National Societies to take over responsibilities from the state. Rather, National Societies should endeavour to complement the state, filling the gaps and ensuring that state services are not eroded to the detriment of vulnerable people such as asylum seekers and refugees. Furthermore, in line with *Strategy 2010*, National Society programmes must be responsive to local vulnerability and focused on areas where they can add greatest value.

2 Legal base of assistance to asylum seekers

2.1 International Red Cross and Red Crescent Movement legal base

The Red Cross and Red Crescent mandate in the field of asylum is ultimately based on the Movement's Fundamental Principles, notably the principles of humanity and impartiality (respecting the Seville Agreement S on the organization of the international activities of the components of the Movement).

The asylum mandate is further defined by resolutions adopted at Movement statutory international conferences, forming part of what *Strategy 2010* describes as the “unparalleled legal base” of National Red Cross and Red Crescent Societies. These, more specific, guidelines must be taken into account when a National Society considers its role in assisting asylum seekers.

Annex A contains excerpts of relevant Movement resolutions, ranging from the 1981 Manila Resolution on International Red Cross Aid to Refugees to the more recent Movement Action in favour of Refugees and Internally Displaced Persons adopted in November 2001.

2.1.1 Act vigorously in favour of refugees and asylum seekers

The 17th International Conference of the Red Cross and Red Crescent (International Conference) was convened in Stockholm in 1948, the same year the UN General Assembly adopted the Universal Declaration on Human Rights and more than two years before the establishment of UNHCR. It recommended that “in case of need, National Societies include in their activities social assistance to stateless persons, refugees of war and war victims” (Resolution XXXI, not included in Annex A).

Three decades later, the 24th International Conference, held in Manila, decided that “the Red Cross should at all times be ready to assist and to protect refugees, displaced persons and returnees”.

More recently, in 1991 and 1993, the Council of Delegates called for the Movement to “act vigorously in favour of refugees and asylum seekers”. This is unquestionably a clear and powerful message in support of Red Cross Red Crescent involvement in assisting asylum seekers through service delivery and advocacy.

Furthermore, in 1993 the Council of Delegates strongly encouraged National Societies “to implement, whenever necessary, programmes for refugees and asylum seekers...which provide emergency assistance as well as long-term solutions”, and “to orient their assistance programmes towards the needs of the most vulnerable groups”.

According to the *Movement's Plan of Action for 2000-2003* (Annex 2, Resolution 1 of the 27th International Conference), the Red Cross and Red Crescent may offer “services on behalf of refugees and asylum seekers in cooperation with UNHCR [and will] extend support to states in fulfilling their obligations to assist and protect” refugees and asylum seekers. Furthermore, the components of the Movement will “ensure that their programmes support host government efforts to seek durable solutions for displaced populations, including voluntary repatriation in safety and dignity, in dialogue with countries of origin”, and will promote efforts to develop solidarity and understanding between host communities and refugees and asylum seekers.

2.1.2 Contents of assistance to asylum seekers

The 2001 Council of Delegates resolution sets a number of general considerations for a response to the needs of refugees and identifies possible activities. It emphasizes the need for a “global approach, addressing both the needs of refugees...by appropriately addressing all stages of displacement...and also the needs of the resident population in order to ensure respect for the Principle of Impartiality at all times”.

The resolution specifies that such an approach should take into account the following:

- need for protection, assistance, tracing, family reunification and durable solutions such as return, local settlement or resettlement in a third country
- specific needs of different groups within populations of refugees and internally displaced persons, as well as their different needs at different stages of displacement
- need for short-term interventions and long-term solutions
- need to involve refugees and internally displaced persons in planning and implementing programmes for their own benefit
- needs of host and local communities
- need for burden sharing within the Movement to assist National Societies where responding to displacement is beyond their individual capacities
- need to develop a strong advocacy platform with common Movement positions.

Need for protection, assistance, tracing, family reunification and durable solutions such as return, local settlement, or resettlement in a third country.

To address protection concerns, legal advice and/or representation, as well as assistance to ensure access to the asylum procedure, might be provided by a National Society (supported where necessary by advocacy efforts). Assistance, in the narrow material sense, could include reception and accommodation of asylum seekers, providing food, clothing, health care and psychosocial support. It should also be noted that assistance might have protection implications, for example, providing an asylum seeker with clothing can also be viewed as an expression of protection.

Tracing of missing family members (who might themselves be asylum seekers in other countries or displaced within their own country) is an essential service that should be offered to asylum seekers. Asylum seekers might also benefit from the distribution of Red Cross messages.

Efforts to facilitate family reunification could, as a general rule, be included once an asylum seeker has been awarded a residence permit or an equivalent status granting the right to family reunification in the country of asylum (in accordance with national legislation). For more information on re-establishing family links, please refer to ICRC’s publication *Restoring family links: a guide for National Red Cross and Red Crescent Societies* – www.icrc.org

Information and other services might be offered to rejected asylum seekers with the aim of facilitating their safe and dignified return to countries of origin (the return of rejected asylum seekers should, however, be clearly distinguished from voluntary return or repatriation of recognized refugees). This assistance could, where appropriate, be provided in cooperation with the National Society in the home country. Modern information technology, combined with the Movement’s extensive network, provides for the exploration of new innovative approaches.

When considering assistance to rejected asylum seekers, reference should be made to the request by the Council of Delegates in 1991 that the Movement’s components actively seek the support of governments with a view to ensuring that the “principle of return in safety and dignity of rejected asylum seekers is reaffirmed and, if assistance is given by National Societies, to respect their adherence to the Fundamental Principles”. The second part of this request is crucial; if assistance is provided, there must never be any doubt about its strict humanitarian motive; the credibility of the National Society must never be doubted in the eyes of the asylum seekers. The issue of return is also discussed in the 1999 PERCO publication, *Repatriation Guidelines for National Red Cross and Red Crescent Societies*.

In a European context, local settlement refers to integration of recognized refugees, which could be facilitated through language courses and assistance to find employment (this guide, however, only covers activities for asylum seekers, not the integration of recognized refugees and other persons granted international protection).

In terms of resettlement, countries in Europe are often 'third countries' accepting recognized refugees from other parts of the world (rather than requiring asylum seekers determined to be in need of protection to resettle in another country). These resettled refugees may of course also benefit from integration activities. In this context, the 24th International Conference, in its policy statement on Red Cross and Red Crescent aid to refugees, decided that National Societies "when possible, should use their influence to encourage their Government to accept refugees for resettlement as well as participate as appropriate by assisting with welfare programmes in the resettlement process in close cooperation and coordination with their Government".

Specific needs of different groups within populations of refugees and internally displaced persons, as well as their different needs at different stages of displacement.

Some groups of asylum seekers may of course be more vulnerable than others, for instance separated children, victims of torture and persons who are detained, and therefore require special attention and services. Their needs may also vary over time, from first arrival and ensuring access to the asylum procedure and submission of an asylum application, through the different stages of the asylum process, to integration or return.

As a further illustration, the 25th International Conference defines the most vulnerable groups as including "women who are alone or who are heads of families, unaccompanied children, the physically and mentally handicapped, and the elderly".

In addition, in 1991 the Council of Delegates called for National Societies "to focus attention on the psychological problems encountered by most refugees, asylum seekers, displaced persons and returnees and on the care needed for the most vulnerable among them, giving due support to children through activities such as community-based health services and assistance in psychological and social readjustment".

Need for short-term interventions and long-term solutions.

This is, of course, a general consideration that has to be taken into account when planning activities. For instance, while a short-term intervention might be to offer a rejected asylum seeker psychosocial support or material assistance, a long-term solution could include facilitating a safe and dignified return to the country of origin.

Need to involve refugees and internally displaced persons in planning and implementing programmes for their own benefit.

Certain refugees may be recruited as volunteers, taking advantage of language and cultural skills, providing meaningful activity for these refugees. It is recommended that the asylum seekers, themselves, (men and women), as far as possible, participate in the planning and implementation of activities. However, it has to be taken into account that asylum seekers are not always a homogenous group (for instance when appointing representatives).

Needs of host and local communities.

In areas where the resident population includes vulnerable persons, it is imperative to consider local needs as well. It is important not to be perceived as unduly favouring one group over another and thus not respecting the Fundamental Principle of impartiality. There may also be other vulnerable groups present, such as victims of trafficking and other migrants, requiring attention. In short, in line with the 2001 Council of Delegates, the Red Cross and Red Crescent approach should be "based on a response to needs rather than on categories of persons".

Additionally, it may be helpful to provide information to the local population about the plight of asylum seekers and their needs in order to avoid misunderstandings. Here, the 1991 Council of Delegates requested the Movement “to draw the attention of host communities to the problems of humanitarian concern encountered by refugees, asylum seekers and displaced persons, and to fight xenophobia and racial discrimination”. In the words of the Movement’s Plan of Action for the years 2000-2003, National Societies will “promote efforts to develop solidarity and understanding” between host communities and refugees and asylum seekers.

More generally, the 1993 Council of Delegates called for National Societies “to carry out vigorous information campaigns to denounce and combat xenophobia and racial or ethnic discrimination while at the same time organizing education programmes based on tolerance”.

Need for burden sharing within the Movement to assist National Societies where responding to displacement is beyond their individual capacities.

This need is an expression of the *raison d’être* of the International Federation, and closer cooperation in the field of asylum is therefore essential. As expressed by the 26th International Conference, National Societies should “call upon the resources of the ICRC and the International Federation to make effective use of the Movement’s capacity when needs exceed the resources locally available”.

Federation support in the field of asylum includes facilitating knowledge sharing between National Societies, as is the case between Bosnia and Herzegovina, Croatia and Serbia and Montenegro, or through the Population Movement Programme in the CIS and the Baltic states. In addition National Societies should benefit from ICRC’s experience in detention, as is already the case for restoring family links. One action proposed in the Berlin Conference’s Plan of Action – Migration is the provision of “information and assistance, through the ICRC, to National Societies to further enable them to address the needs of detained migrants and asylum seekers”.

In support of knowledge sharing, the 1993 Council of Delegates called on National Societies “to establish networks for regional cooperation – in particular through the organization of regional workshops in cooperation with the ICRC and the Federation – in fields such as voluntary repatriation, tracing activities aimed at restoring family links and preparation of emergency situations, with emphasis on training”.

Need to develop a strong advocacy platform with common Movement positions.

An advocacy platform is needed to, in the words of Council of Delegates resolutions, encourage more National Societies to “act vigorously in favour of refugees, asylum seekers, displaced persons and returnees”. It must not, however, be seen as a prerequisite for implementing advocacy activities. On the contrary, the call for the development of a platform only serves to underline the importance of advocacy in supporting service delivery.

2.1.3 Advocacy and monitoring

The concept of advocacy, although sometimes spoken of with some hesitance, is frequently used by the Council of Delegates and is central to *Strategy 2010* as one of two dimensions of Red Cross and Red Crescent activity (the other being service delivery). *Strategy 2010* acknowledges that “as much can be achieved through mobilizing people and influencing decision-makers – whether through private face-to-face advocacy or public campaigns – as through delivering services”.

A 2001 Council of Delegates resolution encourages “all components of the Movement, in accordance with their mandates, to take appropriate measures to ensure that States are aware of their responsibilities under international humanitarian law, refugee law, human rights law as well as national law applicable to refugees and internally displaced persons”.

Consequently, National Societies have a role in monitoring state compliance with obligations under international and national law, and to advise governments accordingly (or take other appropriate measures), in order to ensure the proper protection of asylum seekers. This is particularly important in coun-

tries where the UNHCR is not present or does not have the capacity to fully assume its monitoring and advisory function. National Societies may also facilitate UNHCR access to government representatives at the appropriate level.

The 1991 Council of Delegates requested the Movement's components to actively seek the support of governments "to ensure that, in all circumstances, refugees, asylum seekers and displaced persons receive humane treatment and decent material conditions...in the search for durable solutions, to see that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured [and] to ensure that a decision to deny asylum is taken only within the framework of fair and proper procedures and that the principle of return in safety and dignity of rejected asylum seekers is reaffirmed and, if assistance is given by National Societies, to respect their adherence to the Fundamental Principles of the Movement".

Similarly, the 25th International Conference urged National Societies "to spare no effort to ensure that refugees and asylum seekers receive humane treatment and decent material conditions in host countries [and] reminds governments, in a spirit of humanity, of their legal and moral obligations regarding refugees, in particular that of respect for the principle of non-refoulement, and encourages them to do everything possible to accelerate the procedures for consideration of asylum applications while maintaining fundamental legal safeguards".

The 1991 Council of Delegates also requested the Movement "to pursue their efforts in disseminating international humanitarian law, human rights law, of which refugee law is a part, and the Fundamental Principles of the Movement in order to enhance protection and humane treatment of refugees, asylum seekers, displaced persons and returnees".

The 1993 Council of Delegates specifically invited the Movement "to promote, in the spirit of the Fundamental Red Cross and Red Crescent Principles, the protection of refugees, asylum seekers and displaced persons including the protection of those persons who have fled from armed conflict or other situations of extreme danger, but who are not covered by the refugee definition of the 1951 Convention relating to the Status of Refugees; and to train and inform volunteers and staff appropriately".

In echoing the 1991 Council of Delegates, it strongly encouraged National Societies "to actively seek support of governments with a view to find durable solutions [and] to see that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured".

2.1.4 Cooperation and agreements with UN agencies and other international organizations

The Seville Agreement calls for the promotion of cooperation between different components of the Movement and with other humanitarian actors. The 26th International Conference called on National Societies to "seek efficient cooperation with other organizations, including non-governmental organizations (NGOs) and the United Nations, in particular the UNHCR". Other organizations of relevance could include the European Commission, OSCE, the Stability Pact for South Eastern Europe, IOM, Amnesty International and local NGOs.

The 2001 Council of Delegates resolution stresses specifically that National Societies, when acting as implementing partners for other humanitarian actors, such as UNHCR, must ensure that their activities "are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times". Furthermore, National Societies are obliged "to inform the International Federation and/or the ICRC of any negotiations likely to lead to a formal agreement between them and any agency of the United Nations or any other international organization". This requirement is acknowledged in a number of resolutions.

2.2 National Society legal base (including national law)

It is essential that a national legal base, whatever form it takes, always be in accordance with the Fundamental Principles and the resolutions adopted by the Movement's international decision-making bodies. National law, such as Red Cross and Red Crescent law, asylum or refugee legislation; National Society statutes; strategic work plans; and organizational structures might contain provisions defining a National Society's role in assisting asylum seekers and refugees.

For example, assistance to asylum seekers and refugees is included in the Law on the Bulgarian Red Cross. In turn, the Bulgarian Red Cross is mentioned in the country's national Law on Refugees as the agency to work in cooperation with the government on reception and integration. Numerous such examples exist around the world. To avoid unnecessary work every time a national legal base is being considered, National Societies should share experience in this field whenever possible.

The issue of whether the role of a National Society should be defined in national legislation is far from clear. Those against such legislation emphasize the overriding need to safeguard Red Cross and Red Crescent independence. Those in favour argue that National Societies benefit from such legislation as they are formally recognized as auxiliaries to their respective national government, underscoring the unique position of the Red Cross and Red Crescent.

Experience shows that in some national contexts the inclusion of appropriate provisions in national legislation can contribute to the recognition of a National Society's role in assisting asylum seekers and refugees, while in other cases the role of a National Society is acknowledged by national authorities solely based on its performance, and formal recognition is regarded as redundant. It might be observed, especially in countries of transition, that National Societies often consider recognition by national law as beneficial since it includes defining or redefining relationships with the authorities, and can facilitate access to funding.

3 Activities and programmes

3.1 Overview of activities implemented in Europe

To provide a more detailed picture of possible Red Cross and Red Crescent assistance to asylum seekers, this section presents an overview of different types of activities implemented by selected National Societies in Europe, including service delivery and advocacy. It also provides contact addresses for further information. However, it is by no means exhaustive and does not include tracing services, common to all National Societies.

3.1.1 Legal assistance

Legal advice and representation are protection tools. By offering legal assistance to asylum seekers, National Societies help ensure the proper protection of asylum seekers, and accordingly “that a decision to deny asylum is taken only within the framework of fair and proper procedures”, respecting the principle of non-refoulement. As already mentioned, legal assistance may come in different forms, ranging from provision of information and advice to the formal representation of asylum seekers before national administrative authorities and courts processing asylum claims.

In the framework of its Refugee Assistance Programme, the Lithuanian Red Cross – info@redcross.lt – has concluded agreements with the Ministry of Interior on providing legal assistance and on border monitoring. The assistance is provided by four lawyers who advise asylum seekers, participate in their interviews, and represent their interests in courts and administrative institutions during the procedure in the first instance and in the appeal proceedings. In addition, the lawyers initiate the search for relatives, which is executed by the Tracing Department of the Lithuanian Red Cross. Legal advice is provided at two reception centres, where lawyers make regular visits, and at the Lithuanian Red Cross Central Committee in Vilnius.

In the context of border monitoring, the Lithuanian Red Cross lawyers advise asylum seekers at the border and collect information about access to the asylum procedure. The aim of this project is, on the one hand, to ensure that foreigners in the border area have access to information on the Lithuanian procedures relating to asylum and, on the other hand, to help the border guards and the border police to perform their functions provided for in the Lithuanian law on refugees.

Legal advice is also included in the Swedish Red Cross – postmaster@redcross.se – programme, Assistance to Asylum Seekers, which is clearly protection-oriented, aiming at securing the right to seek and enjoy asylum from persecution (in accordance with Article 14 of the Universal Declaration of Human Rights of 1948).

Advice, as well as information about the asylum process, national legislation and legal practice, is provided to asylum seekers in order to, where possible, enhance the presentation of their claims. In some cases the Swedish Red Cross can provide additional information to clarify the reason for asylum, for example, through information about the situation in the country of origin obtained within the Movement or from other international organizations or NGOs. Asylum seekers can also turn to the Swedish Red Cross for tracing and assistance and information in matters of family reunification. In some cases, moreover, rejected asylum seekers wishing to return to their country of origin can receive advice and information (the Swedish Red Cross endeavours to develop this service through closer cooperation with other National Societies).

Legal advice is provided by Red Cross staff throughout the country (the same personnel handle tracing and family reunification cases), supported by volunteers. The Swedish Red Cross does not, however, represent asylum seekers in the asylum process (other than in exceptional cases where no other option is available), but in many cases works closely with lawyers appointed and financially compensated by the

Swedish Migration Board or, in cases where free legal aid is not granted, tries to find other ways to ensure proper representation.

The Spanish Red Cross provides asylum seekers with the advice necessary so that they can submit their asylum applications in the best way possible, and also helps them to take the necessary steps to fulfil the requirements of the asylum process.

The Finnish Red Cross – webmaster@redcross.fi – acts as the representative of UNHCR in Finland and advises and assists refugees in legal matters.

3.1.2 Reception and accommodation

Obviously, asylum seekers need to be accommodated during the asylum procedure, a sometimes very lengthy process lasting several years. In some countries, the Red Cross and Red Crescent, through agreement with the authorities, organizes all or part of the asylum seekers' reception and accommodation.

Each year an agreement is signed between the Danish Red Cross – asyl@redcross.dk – and the Danish Immigration Service covering accommodation, schooling and care for asylum seekers. The two parties also agree on a budget. Upon arrival in Denmark adult asylum seekers are accommodated in a Danish Red Cross reception centre where they are registered as residents and offered a health interview with Danish Red Cross nurses. They are also interviewed by the police and immigration service. After a short time the residents move to another reception centre where they stay while they await the decision on their asylum application.

The Danish Red Cross aims to ensure that the period of waiting also serves as preparation for the future. Regardless of whether the asylum seekers are granted asylum or not in Denmark, they maintain and develop their skills. For this reason residents are offered schooling and various other activities. Many residents serve as volunteers at their centre, for instance by helping in centre cafes and workshops or doing maintenance work and house cleaning. The centres all have an information cafe with computers as well as a cafe where asylum seekers can meet. Regional centres also have a health clinic and a playroom for the youngest children. Asylum seekers who have waited a long time for a decision on their asylum claim may ask to be accommodated in an annex, which is a house or flat rented by the Danish Red Cross.

Asylum seekers who are in need of special care because of psychological or social problems or some physical disability are housed at a special care centre. This centre also accommodates asylum seekers who have been traumatized by severe torture in their home country. Unaccompanied children seeking asylum in Denmark are accommodated in a special centre for children or in a special department for unaccompanied children and young people at one of the regular Red Cross residential centres.

Through an agreement with the Finnish Ministry of Labour, the Finnish Red Cross maintains two reception centres and is also prepared to organize the emergency reception of large groups of unexpectedly arriving asylum seekers.

The Spanish Red Cross is committed to assist asylum seekers through an agreement signed with IMSERSO, which is periodically reviewed and renewed. It currently covers reception and accommodation for vulnerable asylum seekers ensuring all basic necessities in regard to food, comfort and sanitary conditions. Reception centres are also run by other organizations and by IMSERSO. In case there are no places available in the centres, asylum seekers may receive an allowance in order for them to find their own accommodation.

For more about reception, please see PERCO's 2001 *Guidelines on the reception of asylum seekers* – www.ifrc.org.

3.1.3 Psychosocial support

Some National Societies in Europe provide what is broadly termed psychosocial (or social) support as a separate Red Cross Red Crescent activity, not related to reception and accommodation.

At the Swedish Red Cross psychosocial support is principally provided by volunteers visiting reception and accommodation centres, detention centres and other places where asylum seekers are accommodated. In local branches volunteers run so called 'meeting points'. The activities vary from place to place depending on needs and resources. Volunteers sometimes accompany asylum seekers to the asylum interview or to the hospital. Volunteers also arrange language classes in which asylum seekers can take part. Some asylum seekers also take part in traditional Red Cross activities as volunteers in local branches. Aside from offering humanitarian support, the volunteers provide basic information about the Swedish asylum system and about Red Cross activities for refugees and asylum seekers. They may also refer individual cases to Red Cross staff responsible for providing legal advice.

As regards detention centres, the Swedish Red Cross has access to all foreigners kept in detention under the Aliens Act (Swedish national law on aliens, including asylum). Both Red Cross staff and volunteers are involved at the centres. Volunteers visit three out of four detention centres in Sweden on a weekly basis to give psychosocial support, but also to monitor the well being of the detainees. When an asylum seeker appears to be in danger of refoulement or where a decision to detain a person seems to be incorrect, the case is normally referred to designated Red Cross staff. Psychosocial support is given through conversations or through activities like playing pool or teaching a language. Activities at the detention centres also include tracing. For more information about detention of asylum seekers, please refer to *Protecting Refugees – A Field Guide for NGOs*, available at – www.reachout.ch.

In addition, the Swedish Red Cross Youth has activities for separated children living in special accommodation centres. On a weekly basis young volunteers visit the asylum seeking children in the centres and together they do different activities, such as swimming, playing games, cooking together and participating in excursions.

The Spanish Red Cross provides social support to asylum seekers, preparing their social files and follow up cases. It also facilitates the asylum seekers' integration through including them in both leisure and training activities.

The Lithuanian Red Cross implements projects intended to activate the cultural and social initiatives of asylum seekers accommodated in centres. Social workers arrange various events to foster intercultural communication and to introduce the asylum seekers to the culture and traditions of Lithuania. They also try to stimulate the asylum seekers' own initiative to hold their own national events, to express their ethnic culture through songs, dances, music, and applied arts, and to engage in activities such as sports, reading, painting and gardening. The aim of these initiatives is to improve the social and psychological atmosphere in the centres, to alleviate the depression and apathy of the asylum seekers.

Moreover, the Lithuanian Red Cross devotes a lot of attention to the children of asylum seekers needing support and care. Young volunteers take part in a socialization and integration programme for the children. The children participate in various social gatherings and joint summer camps of asylum seeking and Lithuanian children, where they have the possibility of becoming familiar with Lithuanian culture and lifestyle. They are also taken on sightseeing tours.

The Bulgarian Red Cross – rms@redcross.bg – offers social counselling as well as psychiatric and psychological assistance to asylum seekers.

3.1.4 Health care

Health care, general or specialized, is provided to asylum seekers by some National Societies.

In Denmark, asylum seekers have no direct access to the Danish health system, but they are entitled to free treatment by a doctor and to be admitted to a hospital in the event of an emergency. If an asylum

seeker staying at a centre needs to be seen by a doctor, the visit will be arranged by a nurse working for the Danish Red Cross.

Soon after arriving in Denmark, asylum seekers are invited to a consult with a nurse at the reception centre. The nurse will ask about the asylum seeker's physical and psychological condition and whether he or she has lived in a refugee camp, been imprisoned or subjected to torture. The nurse also asks about the asylum seeker's social background, including education, previous employment and marital status. If the nurse diagnoses an illness or if the person comes from a country with a high incidence of tuberculosis, he or she will be offered a doctor's examination. The purpose of this medical screening is to offer asylum seekers quick help and treatment, if needed.

Asylum seekers suffering from physical, psychological or social disorders requiring special treatment or care may be referred by the nurse to a doctor, who, in turn, may send them on to a specialist, a psychologist or a psychiatrist. Asylum seekers with social problems can get help from a support person for a period of time. This may relieve single parents or assist residents who suffer from physical or psychological disorders, having difficulty coping with daily chores, such as personal hygiene, shopping and cooking.

To ensure that all health areas are covered from arrival, the Spanish Red Cross supplies different health services, including medical care for those not covered by the national health system and psychological assistance and support for asylum seekers, displaced persons and refugees in need. Health care is provided by six teams located all over the country that specialize in trauma.

The Swedish Red Cross runs five centres providing treatment to victims of torture and war trauma. The main target group is recognized refugees, but also asylum seekers can receive treatment at these centres.

3.1.5 Humanitarian assistance

Some National Societies provide material assistance to asylum seekers.

The Spanish Red Cross provides asylum seekers with humanitarian assistance including baby food, medication, clothes, books and school supplies, when needed.

The Bulgarian Red Cross offers humanitarian aid to asylum seekers when available, such as food, clothes and medicines.

The Lithuanian Red Cross provides humanitarian assistance in the form of baby food, medications, hygiene articles, clothes, books, newspapers, school supplies and toys to asylum seekers accommodated in the country's two reception centres.

3.1.6 Advocacy and monitoring

As mentioned in Section 2, National Societies may have a role in monitoring state compliance with obligations under international and national law, and to advise governments accordingly. Monitoring may be an explicit activity, such as the Lithuanian Red Cross border monitoring project, but in most cases it implies learning from the everyday engagement entailed in delivering services to asylum seekers, in order to gain the necessary experience to back advocacy with a view to ensure proper treatment and protection. How, then, do National Societies carry out advocacy? By what means do they advise their respective governments?

In addition to legal and social assistance in individual cases, the Lithuanian Red Cross plays a watchdog role, observing and monitoring policies, legislative developments and administrative practices related to asylum seekers. It also submits proposals for new laws and regulations as well as amendments to the existing legal acts with a view to improving the legal framework of the country, and organizes seminars, communicates with the media and holds public events.

The experience gained by the Swedish Red Cross from its activities in the field of asylum is used in order to improve the treatment of asylum seekers, often through direct contacts with the responsible authori-

ties. The Swedish Red Cross also uses its experience to influence decision makers and public opinion. It participates in parliamentary committees and working groups drafting proposals for new legislation, comments on legislative proposals and monitors the development of asylum and migration policy in general. As EU decisions increasingly affect Swedish policy and legislation, the Swedish Red Cross is also trying to influence EU decision making, for instance through ECRE.

The Swedish Red Cross also runs campaigns, arranges seminars, gives lectures at universities and schools, writes debate articles and makes public statements, frequently cited in the media. Through its Quick Response project, the Swedish Red Cross Youth acts as a media watchdog on questions relating to xenophobia, race discrimination and refugees. It publishes facts and corrections of misunderstandings and misinterpretations.

In addition, the Swedish Red Cross is involved in a project that aims to raise the knowledge and awareness of the effects of torture among migration officials. In cooperation with the Swedish Migration Board and Amnesty International, the Swedish Red Cross has trained hundreds of Swedish Migration Board staff about the effects of torture.

The Finnish Red Cross follows the development of Finnish immigration and asylum policy and human rights, and is asked by the government to submit its views on draft legislation concerning immigration, asylum and integration.

4 Organization, cooperation and funding

4.1 Six examples of National Societies in Europe

How are asylum activities organized within a National Society? How are they funded? With whom do National Societies cooperate in the field of asylum? Through a few examples this section provides an overview of different organizational models, variations of external relations and funding possibilities.

4.1.1 Bulgarian Red Cross

At the Bulgarian Red Cross assistance to asylum seekers and refugees is coordinated by the Refugee-Migrant Service (RMS), which is an administrative and operative body based at Red Cross national headquarters. The RMS has branches in the Bulgarian Red Cross regional committees in three cities. In cases of emergency it works closely with the remaining 25 regional branches throughout the country. The head of the RMS reports to the secretary general of the Bulgarian Red Cross.

RMS cooperates with the government's Agency for Refugees within the Council of Ministers, UNHCR and IOM. It is frequently in contact and collaborates with the three Bulgarian NGOs active in the field of asylum and refugee assistance, as well as with other non-governmental and intergovernmental organizations interested in refugee issues. The Bulgarian Red Cross is a member of ECRE and PERCO.

RMS activities are mainly funded by UNHCR and through support from other European National Societies. The Bulgarian Red Cross also organizes charity and fundraising events with the participation of asylum seekers and refugees and accepts donations.

4.1.2 Danish Red Cross

The Asylum Department is located at Danish Red Cross headquarters. However, contrary to other Danish Red Cross programmes, the asylum work is fully funded by the Danish government and its budget is strictly separated from that of other programmes. The head of the Asylum Department is a member of the management team and reports to the secretary general.

The Asylum Department runs about 40 centres housing approximately 7,500 asylum seekers, and employs approximately 1,200 people including nurses, teachers, social workers, technical staff and people engaged in practical work. In addition to the centres, the Asylum Department rents small flats and houses, so-called annex accommodation intended primarily for asylum seekers who wait a long time for a decision on their asylum claim. It also employs its own counsellors, who advise on teaching methods, and psychologists, who, for example, treat residents with mental health problems. Accountants, lawyers and other experts - all of whom work at the head office - are involved in administration, finance, planning, information and development.

The Asylum Department is also an emergency organization; it must be on standby to accommodate a large number of people on short notice. Because of this, the Asylum Department has at its disposal beds, tables, chairs and other equipment. It can, within seven days, open five new centres, each accommodating 120 residents.

In receiving asylum seekers, the Danish Red Cross Asylum Department cooperates with the Ministry of Refugee, Immigration and Integration Affairs as well as the Danish immigration service. The Danish Red Cross is a member of PERCO.

4.1.3 Finnish Red Cross

In the Finnish Red Cross activities for asylum seekers are coordinated by the Refugee and Migration Team, headed by a coordinator within the programme department and reporting to the programme manager. The programme manager, in turn, is a member of the management team and reports to the secretary general.

The reception centres are, however, run independently by regional branches, in line with agreed Finnish Red Cross policy. The centres are fully funded by the Ministry of Labour (including support staff at headquarters). According to an agreement between the Ministry of Labour and the Finnish Red Cross, the Red Cross is prepared to accommodate large number of asylum seekers within seven days if needed.

In receiving asylum seekers, the Finnish Red Cross cooperates with the Ministry of Labour, the Ministry of Interior, the Frontier Guard, IOM, the Refugee Advice Centre, the Finnish Refugee Council, and local authorities. It is a member of ECRE and PERCO.

Special projects are financed through ERF, ESF (EQUAL Community Initiative) and targeted fundraising activities.

4.1.4 Lithuanian Red Cross

The asylum activities of the Lithuanian Red Cross are coordinated by the Refugee Department, co-headed by a population movement coordinator and a legal assistance coordinator. The coordinators report to the secretary general of the Lithuanian Red Cross.

The Lithuanian Red Cross employs four asylum lawyers (two full time and two part time) providing legal assistance to asylum seekers, three social integration counsellors, three social workers at the centres and one public relations officer.

The Refugee Department cooperates closely with UNHCR and to a greater or lesser extent with every relevant state institution such as the Ministry of Interior. It also cooperates with NGOs, including Save the Children and Caritas. The Lithuanian Red Cross is a member of ECRE and PERCO.

The Refugee Department is funded by the EU, UNHCR, the Ministry of Interior (legal services) and the Ministry of Social Security and Labour (social integration services).

4.1.5 Spanish Red Cross

The refugee programme of the Spanish Red Cross is coordinated by a team in the Activities and Services Department at national headquarters, reporting to the head of department and to the general coordinator. The programme is implemented by the activities and services departments in all provincial branches.

The Spanish Red Cross cooperates with national and regional authorities, UNHCR, and NGOs including CEAR and Comisión Católica. It is a member of PERCO.

The Spanish Red Cross provides its assistance to asylum seekers through a variety of nation-wide projects financed by the Ministry of Labour and Social Affairs. It also receives funding from ERF and ESF (EQUAL Community Initiative).

4.1.6 Swedish Red Cross

The Swedish Red Cross programme, Assistance to Asylum Seekers, is coordinated by a programme coordinator in the International Law and Refugee Department. The head of department reports to the deputy secretary general.

Legal assistance to asylum seekers is provided by 16 regional coordinators, also handling tracing and family reunification cases, and training and supervising volunteers. The coordinators report to their respective regional director, who in turn reports to the deputy secretary general.

Increasingly, local branch volunteers support the regional coordinators by providing basic information to asylum seekers. As mentioned above, psychosocial support is principally provided by volunteers, visiting centres or organizing activities at Red Cross 'meeting points'.

The Swedish Red Cross has good and respectful relations with the authorities and other organizations. Information is regularly exchanged with the Migration Board and the Ministry for Foreign Affairs. The Swedish Red Cross works closely with the Migration Board in the training of migration officers about the effects of torture. Moreover, the Swedish Red Cross exchanges information and collaborates with UNHCR in individual asylum cases. The Swedish Red Cross is UNHCR's national implementing partner for family reunification.

Within the NGO community there is a tradition of close cooperation. In asylum matters the Swedish Red Cross works with organizations including Amnesty International, Caritas, the Church of Sweden, Save the Children, the Refugee Advice Centre, and other NGOs acting on behalf of refugees and asylum seekers. This cooperation includes exchanging information, organizing joint seminars, drafting debate articles and making common policy statements. The Swedish Red Cross is a member of PERCO and ECRE and regularly attends the meetings of the UNHCR Executive Committee as an observer.

The asylum programme is mainly financed through internal Red Cross funds, but some projects are partially financed by individual donations, government funds and ERF.

4.2 More on funding

A number of different public sources of funding are used to finance assistance to asylum seekers, notably UNHCR, the EU and national governments. In addition, National Societies fund activities through private sector fundraising and internal funds including membership fees and capital revenues.

To facilitate access to EU funding, the Red Cross/EU Office in Brussels – infoboard@redcross-eu.net – has, as one of its main tasks, to advise member National Societies on "funding procedures and eligibility criteria, and to coordinate grant applications".

ECRE's Central European Fundraising Project – ecre@ecre.org – may be able to provide guidance on funding possibilities for National Societies in Central Europe.

To conclude on funding, it is useful to recall the Council of Delegates appeal to National Societies to ensure that their activities "are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times" when acting as implementing partners for other humanitarian actors such as UNHCR. This is of course also a valid consideration when it comes to EU and government funding of programmes and activities.

5 Conclusions

What is the role of National Red Cross and Red Crescent Societies in the field of asylum? This guide, and indeed the Zagreb Meeting of Experts on Assistance to Asylum Seekers, suggests that there is not one universal or a single European role assumed by National Societies, but rather that activities – all finding support in the Movement’s legal base – are implemented in response to diverse local vulnerabilities and focused on the areas where they, in the national context, can add greatest value.

National Red Cross and Red Crescent Societies in Europe provide asylum seekers with:

- legal assistance, through information, advice and legal representation
- reception and accommodation during the asylum process
- psychosocial support, including visiting detention centres
- health care, general or specialized, for instance to victims of torture
- humanitarian assistance, including food, clothes and hygiene articles
- advocacy with a view to ensure their proper treatment and protection.

But how do we learn from each other? Recalling the 1993 Council of Delegates call for National Societies “to establish networks for regional cooperation – in particular through the organization of regional workshops in cooperation with the ICRC and the Federation”, we need to further develop mechanisms for sharing experiences and best practices between the components of the Movement.

PERCO is one such example in Europe (although its restrictive membership criteria excludes many National Societies from participation), as is ECRE outside the Red Cross and Red Crescent world. Moreover, the Zagreb Meeting of Experts on Assistance to Asylum Seekers showed that National Societies could also benefit from closer cooperation and more informal networking between experts and practitioners. There is certainly also room for increased bilateral cooperation between National Societies, for instance through twinning agreements.

The Federation’s Regional Population Movement Programme for Bosnia and Herzegovina, Croatia and Serbia and Montenegro, through which National Societies in the region are assisted in developing their respective role and activities in the field of asylum, is another case in point. The programme included facilitating exchange of experiences; liaising with all relevant stakeholders and helping to position National Societies in the field of asylum; facilitating a study visit to the Swedish Red Cross; assisting in developing guidelines and policies; offering advice concerning planned activities and programmes; and compiling and sharing this guide. It is expected that the three National Societies are now on the road towards implementing assistance to asylum seekers that respond to local needs. National Societies in the CIS and the Baltics have also benefited from the Federation’s assistance.

The issue of asylum and, more broadly, of population movement, is a pan-European issue; its relevance stretches well beyond the borders of the EU. It is pertinent to end with a quote from the Berlin Charter, adopted by the 51 National Societies attending the Berlin Conference: “We want to extend our assistance and protection to all those in need of it, in accordance with international humanitarian law, human rights law, tolerance and human dignity...and commit ourselves and our dedicated and motivated volunteers and staff to take immediate and sustained action to address the human vulnerabilities arising from all forms of population movement.” This is no trivial undertaking. In other words, we – National Societies in Europe and the International Federation – have work to do.

Annex A

International Red Cross and Red Crescent Movement resolutions

Movement action in favour of refugees and internally displaced persons (2001)

Resolution 4 of the Council of Delegates, Geneva 2001

The Council of Delegates,

expressing its deep concern about the need to improve protection and assistance to the tens of millions of persons who have been forcibly uprooted and displaced by armed conflict, violations of international humanitarian law and human rights and natural or other human-induced disasters,

welcoming the document prepared by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (International Federation) entitled Movement Action in Favour of Refugees and Internally Displaced Persons (*Document CD2001/6/1*),

recalling and reaffirming the resolutions adopted by the International Conference of the Red Cross and Red Crescent (Resolution XXI, Manila 1981; Resolution XVII, Geneva 1986, Resolution 4A, Geneva 1995 and Goal 2.3 of the Plan of Action of the 27th International Conference, Geneva 1999) as well as the Resolutions adopted by the Council of Delegates (Resolution 9, Budapest 1991 and Resolution 7, Birmingham 1993),

recalling that in situations of armed conflict refugees and internally displaced persons are protected by international humanitarian law, *recalling also* the protection afforded by refugee law, human rights law and national law *and encouraging* all components of the Movement, in accordance with their mandates, to take appropriate measures to ensure that States are aware of their responsibilities under international humanitarian law, refugee law, human rights law as well as national law applicable to refugees and internally displaced persons,

emphasizing the importance of respect for international humanitarian law for the prevention of displacement,

noting the need for the components of the Movement to agree upon and implement a coherent strategy for ensuring a predictable response to the needs of refugees and internally displaced persons, while retaining a global approach based on a response to needs rather than on categories of persons,

noting further the requirements that all activities carried out by the components of the Movement in favour of refugees and internally displaced persons be in accordance with their respective mandates as outlined in the Statutes of the Movement and the Seville Agreement and in respect of the Fundamental Principles of the Movement,

Movement response to the needs of refugees and internally displaced persons

- 1 *calls upon* the ICRC, the International Federation and National Red Cross and Red Crescent Societies (National Societies), in accordance with their respective mandates, to seek to ensure at all times that the Movement's response adopts a global approach, addressing both the needs of refugees and internally displaced persons – whenever possible, by appropriately addressing all stages of dis-

placement, from prevention to return – and also the needs of the resident population in order to ensure respect for the Principle of Impartiality at all times. In particular such a response should take into account:

- the need for protection, assistance, tracing, family reunification and durable solutions such as return, local settlement, or resettlement in a third country;
- the specific needs of different groups within populations of refugees and internally displaced persons, as well as their different needs at different stages of displacement,
- the need for short terms interventions and long-term solutions;
- the need to involve refugees and internally displaced persons in planning and implementing programmes for their own benefit;
- the needs of host and local communities.
- the need for burden sharing within the Movement to assist National Societies where responding to displacement is beyond their individual capacities;
- the need to develop a strong advocacy platform with common Movement positions.

Coordination and cooperation within the Movement

- 2** *requests* the ICRC and the International Federation to develop a strategy to address the issues and challenges identified in Section VI of the above-mentioned document (CD 2001/6/1) by means of a regular and efficient exchange of information between the various components of the Movement as well as between the headquarters and the field,
- 3** *recognises* that there may be circumstances in which the ICRC, as lead agency in situations of armed conflict must focus on the priority needs of refugees and internally displaced persons who find themselves closest to areas of conflict, while there may be displaced persons located at a distance from the theatre of hostilities who may also be in dire need of assistance, and *urges* the ICRC, in consultation with the International Federation and National Societies, to develop, within the framework of the Seville Agreement, operational solutions to such situations,
- 4** *calls on* National Societies to support ICRC and/or International Federation programmes in favour of refugees and internally displaced persons mobilizing public as well as government support and coordinating their action with the lead agency to ensure the most effective Movement response

Coordination and cooperation with other humanitarian actors

- 5** *requests* the ICRC, the International Federation and National Societies jointly and individually, in accordance with their respective mandates, to continue to closely co-ordinate their activities in this area and promote real coordination with other humanitarian actors, aiming to achieve a coherent approach by the components of the Movement in their relations with other humanitarian actors to achieve greater complementarity in their activities,
- 6** *urges* National Societies to ensure that their activities in favour of refugees and internally displaced persons are carried out in respect of the Fundamental Principles of the Movement and existing policy at all times, and particularly when they are acting as implementing partners for other humanitarian actors,
- 7** *reminds* National Societies of their obligation to inform the International Federation and/or the ICRC of any negotiations likely to lead to a formal agreement between them and any agency of the United Nations or any other international organization. The International Federation and/or the ICRC will assist National Societies in negotiations likely to lead to an agreement with United Nations High Commissioner for Refugees (UNHCR) and must concur with the terms of any such agreement in order to ensure coherence and complementarity.
- 8** *requests* that the ICRC and the International Federation jointly initiate a process of consultation with the UNHCR with a view to clarifying the terms upon which the components of the Movement engage in cooperation with UNHCR, and to report thereon to the next Council of Delegates.

Development of Movement strategy

- 9 *calls upon* the ICRC and the International Federation to further develop proposals for Movement strategy on refugees and internally displaced persons, in consultation with National Societies, and to report to the next Council of Delegates.
- 10 *further calls upon* the International Federation, in consultation with National Societies to develop proposals for a plan of action on other aspects of population movement. This plan of action will address, inter alia, migration and resultant vulnerability, migrants in irregular situations, and action to address discrimination and xenophobia. The International Federation will report thereon to the next session of its General Assembly.

Goal 2.3 of the Plan of Action of the 27th International Conference (1999)

Annex 2 of Resolution 1 of the 27th International Conference of the Red Cross and Red Crescent, Geneva 1999 (excerpts)

Plan of Action for the years 2000-2003

The members of the 27th International Conference of the Red Cross and Red Crescent, held in Geneva from 31 October to 6 November 1999, adopt the following Plan of Action for the coming four years in order to improve the care and protection of victims of armed conflicts and disasters and more generally of the most vulnerable people. They will implement the actions set out in the Plan of Action in accordance with their respective powers, mandates and capacities.

In adopting this Plan of Action, the International Conference recognizes the unique nature of the co-operation between the International Red Cross and Red Crescent Movement and States and the specific mandates of each component of the Movement. It also reaffirms the commitment of States, adhering to the purposes and principles of the United Nations Charter, to meet their existing obligations under international humanitarian law to support the work of each component of the Movement and to respect at all times the components' adherence to the Fundamental Principles.

The Plan of Action is divided into long term goals and specific actions which represent the main areas where a renewed effort is required from States and the Movement for their respective commitments in the coming four years.

The 28th International Conference will evaluate the results attained over the next four years. The Standing Commission of the Red Cross and Red Crescent will encourage and further the implementation of the Plan of Action, according to its statutory mandate, through consultations with States party to the Geneva Conventions, components of the Movement and other actors, as to the best methods of achieving this.

Humanitarian action in times of armed conflict and other disasters

Final goal 2.3: Provision for the rights and acute needs of the most vulnerable people as the first priority for humanitarian action.

- 8 States and all parties to an armed conflict will take all necessary measures to ensure the civilian character of refugee and internally displaced persons camps, and that appropriate conditions are met regarding location, environment, camp security, law and order, and registration. The Movement will offer its services, where required, in assisting to meet these responsibilities.
- 9 National Societies, the International Federation and the ICRC, according to their respective mandates and in accordance with international humanitarian law, may offer their services on behalf of refugees and asylum seekers in cooperation with UNHCR, and, taking note of the Guiding Principles on Internal Displacement, may also offer their services on behalf of internally displaced persons, and will:

- (a) extend support to States in fulfilling their obligations to assist and protect refugees, asylum seekers and internally displaced persons;
- (b) ensure that their programmes support host government efforts to seek durable solutions for displaced populations, including voluntary repatriation in safety and dignity, in dialogue with countries of origin;
- (c) promote efforts to develop solidarity and understanding between host communities and refugees, asylum seekers and internally displaced persons.

Principles and action in international humanitarian assistance and protection (1995)

Resolution 4 of the 26th International Conference of the Red Cross and Red Crescent, Geneva 1995 (excerpts)

The 26th International Conference of the Red Cross and Red Crescent, *conscious* that the number of people in need of assistance as a result of disasters, and the number of refugees and internally displaced persons in need of assistance and protection, has increased dramatically over the past decade,

conscious of the International Red Cross and Red Crescent Movement's (Movement) unique position as a global, neutral and independent provider of assistance and protection to victims of disaster and war victims, benefiting from the complementarity of its components,

recalling that, according to the Statutes of the Movement, each component of the Movement should respect at all times the Fundamental Principles enshrined in these Statutes (Fundamental Principles), and that States should at all times respect the Movement's adherence to the Fundamental Principles,

recalling that in situations of armed conflict refugees and internally displaced persons together with the remainder of the civilian population are protected by international humanitarian law and that, in addition, refugees are protected by the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol,

reaffirming the principle of non-refoulement,

recalling Resolution XXI and the accompanying Statement of policy on aid to refugees adopted by the 24th International Conference of the Red Cross, and Resolution XVII on the Movement and refugees adopted by the 25th International Conference of the Red Cross,

With regard to internally displaced persons and refugees

1 *calls upon* States:

- (a) *to respect and ensure respect* for international humanitarian law, in particular the general prohibition of forced displacement of civilians, and to *respect* the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol, in particular the fundamental principle of non-refoulement, as well as other relevant regional instruments,
- (b) *to accede to*, for those States which have not already done so, and to *implement* fully the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol,
- (c) *to provide* humanitarian assistance to internally displaced persons and to assist States having accepted refugees,
- (d) *to ensure* efficient and adequate access to internally displaced persons and refugees for neutral, impartial and independent humanitarian organizations, in particular National Red Cross and Red Crescent Societies (National Societies), the ICRC and the International Federation, as well as other international organizations, in particular the United Nations High Commissioner for Refugees (UNHCR), according to their respective mandates, so that they may provide protection and humanitarian assistance to these persons,

- (e) *to ensure* a rapid response to appeals by the ICRC, the International Federation, the National Societies and other international organizations for funding of emergency assistance and protection for refugees, internally displaced persons and returnees,
- (f) *to renew* their support, through appropriate funding, for the provision of food aid and other supplies for humanitarian assistance to long-standing but unsolved refugee and displaced persons situations, keeping in mind the needs of the most vulnerable,
- (g) *to recognize* that National Societies, the ICRC and the International Federation can play a vital role in providing protection and humanitarian assistance to internally displaced persons, refugees and returnees, in accordance with the relevant provisions of international humanitarian law;

2 *invites* the components of the Movement, in accordance with their respective mandates:

- (a) *to continue* to provide assistance and protection to, and to work with determination on behalf of and together with, internally displaced persons, refugees and returnees,
- (b) *to devise and apply* innovative approaches to humanitarian response, including mechanisms for rapid action, based on effective mobilization and use of resources, which will enable them to provide timely and appropriate assistance for internally displaced persons and refugees, taking due account of the action of other humanitarian organizations,
- (c) *to promote* conflict prevention through the promotion of humanitarian principles and values, as well as the dissemination of international humanitarian law, in particular at the community level,
- (d) *to stand ready* to work in the framework of international relief operations in accordance with the Statutes of the Movement,
- (e) *to continue and promote* operational cooperation with the United Nations, including in particular the UNHCR, in a spirit of complementarity, as well as with other international humanitarian organizations, as appropriate;

3 *invites* National Societies:

- (a) *to continue*, in accordance with their status as auxiliaries to the public authorities in the humanitarian field, to offer their services to their governments, in order to respond to the needs of refugees, internally displaced persons and returnees,
- (b) *to call upon* the resources of the ICRC and the International Federation to make effective use of the Movement's capacity when needs exceed the resources locally available,
- (c) *to seek* efficient cooperation with other organizations, including non-governmental organizations (NGOs) and the United Nations, in particular the UNHCR, recalling the provisions of Resolution XXI of the 24th International Conference concerning International Red Cross aid to refugees, and in particular the provision on agreements between National Societies and the UNHCR.

The Movement, refugees and displaced persons (1993)

Resolution 7 of the Council of Delegates, Birmingham 1993

The Council of Delegates,

having taken note of the report of the ICRC and the Federation on the Movement, refugees and displaced persons;

recalling Resolution XXI (Manila, 1981) and XVII (Geneva, 1986) and in particular Resolution 9 of the Council of Delegates held in Budapest in 1991 which, inter alia, appeals to the various components of the Movement to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees;

reaffirming that armed conflicts and violations of international humanitarian law are among the main causes of forced population movements;

recalling that in situations of armed conflict or internal violence, refugees and displaced persons, as civilians affected by the events, are protected by international humanitarian law and by humanitarian principles;

concerned by the persistence of the phenomenon and the dramatic aggravation of the plight of numerous refugees, displaced persons and asylum-seekers in different parts of the world;

expressing its deep concern about the surge of intolerance, xenophobia and racial or ethnic discrimination in communities of countries receiving refugees and asylum-seekers;

- 1** invites the components of the Movement, in accordance with their respective mandates:
 - (a) to call upon the parties to conflict to respect international humanitarian law and to ensure that it is respected in order to avert population movements;
 - (b) to continue to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees;
 - (c) to strengthen cooperation among themselves and between the Movement and the United Nations system, in particular UNHCR, in a concerted approach which maintains the unity of the Movement;
 - (d) to promote, in the spirit of the Fundamental Red Cross and Red Crescent Principles, the protection of refugees, asylum-seekers and displaced persons including the protection of those persons who have fled from armed conflict or other situations of extreme danger, but who are not covered by the refugee definition of the 1951 Convention on the Status of Refugees; and to train and inform volunteers and staff appropriately;
- 2** *urges* the National Societies to respect their obligation to inform the Federation and/or the ICRC in advance of any negotiations likely to lead to a formal agreement between a Society and UNHCR;
- 3** *strongly encourages* the National Societies:
 - (a) to implement, whenever necessary, programmes for refugees, asylum-seekers and displaced persons which provide emergency assistance as well as long-term solutions;
 - (b) to orient their assistance programmes towards the needs of the most vulnerable groups;
 - (c) to carry out vigorous information campaigns to denounce and combat xenophobia and racial or ethnic discrimination while at the same time organizing education programmes based on tolerance;
 - (d) to establish networks for regional cooperation - in particular through the organization of regional workshops in cooperation with the ICRC and the Federation - in fields such as voluntary repatriation, tracing activities aimed at restoring family links and preparation of emergency situations, with emphasis on training;
 - (d) to focus attention on the psychological problems encountered by most refugees, asylum-seekers, displaced persons and returnees;
 - (d) to actively seek support of governments with a view to find durable solutions, to see that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured;
- 4** *calls upon* the ICRC and the Federation to continue to examine ways and means for cooperation between the components of the Movement and the United Nations system in favour of refugees and displaced persons;
- 5** *requests* the ICRC and the Federation to report to the next session of the Council of Delegates on the practical measures taken to put these recommendations into effect.

The Movement and refugees (1991)

Resolution 9 of the Council of Delegates, Budapest 1991

The Council of Delegates,

recalling Resolution XXI of the 24th International Conference of the Red Cross, the accompanying statement of policy on Red Cross aid to refugees and Resolution XVII of the 25th International Conference on the Movement and refugees,

concerned that the number of refugees, asylum-seekers and persons displaced within their own countries has continued to grow steadily,

aware that many long-standing refugee situations are still awaiting solutions, and that continued dependence by large numbers of refugees on the support and protection of host countries may progressively increase their vulnerability,

recognizing that a large number of these persons suffer from psychological problems and that the most vulnerable, in particular refugee children, may be exposed to high risks and severe deprivation having a lasting effect on their lives,

taking note that violations of human rights, armed conflict and violations of international humanitarian law are amongst the main causes of population movements,

noting with concern that the majority of refugees find asylum in low-income countries in which they share scarce resources with the local population, thereby aggravating conditions of poverty and instability,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees to ensure international protection and material assistance to refugees, persons displaced outside their countries of origin and returnees, and to seek durable solutions,

recognizing that new forms of movements of persons, due principally to economic and social hardship, frequently leading to severe malnutrition and famine conditions, and often associated with political instability, have emerged, and that these persons, while not fulfilling the international criteria for refugee status, are in need of humanitarian support,

noting the tasks carried out by the various components of the International Red Cross and Red Crescent Movement on behalf of refugees, asylum-seekers, displaced persons and returnees, and the efforts made to provide information and training within the Movement in order to keep pace with these growing tasks,

requests the various components of the Movement, in accordance with their respective mandates:

- (a) to act vigorously in favour of refugees, asylum-seekers, displaced persons and returnees,
- (b) to pursue their efforts in disseminating international humanitarian law, human rights law, of which refugee law is a part, and the Fundamental Principles of the Movement in order to enhance protection and humane treatment of refugees, asylum-seekers, displaced persons and returnees,
- (c) to cooperate actively in supporting activities designed to enhance refugees' self-reliance in camps and on their safe return to their home countries,
- (d) to focus attention on the psychological problems encountered by most refugees, asylum-seekers, displaced persons and returnees and on the care needed for the most vulnerable among them, giving due support to children through activities such as community-based health services and assistance in psychological and social readjustment,
- (e) to enhance training and information, including exchanges of experiences, of its members and representatives in this field,
- (f) to draw the attention of host communities to the problems of humanitarian concern encountered by refugees, asylum-seekers and displaced persons, and to fight xenophobia and racial discrimination,
- (g) to continue and further strengthen cooperation with the Office of the United Nations High Commissioner for Refugees and other international organizations acting in favour of refugees, asylum-seekers, displaced persons and returnees,
- (h) to actively seek the support of governments with a view:
 - 1 to permit the Movement to assist those who are deprived of any suitable protection and assistance,
 - 2 to address first and foremost the causes of people fleeing their homes, and to promote peace and respect for human rights and to intensify cooperation in socio-economic development, particularly among low-income countries,

- 3 to ensure that, in all circumstances, refugees, asylum-seekers and displaced persons receive humane treatment and decent material conditions,
- 4 in the search for durable solutions, to see that the voluntary character of repatriation and the safety of returning refugees in their countries of origin are fully ensured,
- 5 to support the development of refugee hosting areas in the event of mass influxes of refugees, so as to avert any deterioration in living conditions and ensure the security of the refugee and local population,
- 6 to ensure that a decision to deny asylum is taken only within the framework of fair and proper procedures and that the principle of return in safety and dignity of rejected asylum-seekers is reaffirmed and, if assistance is given by National Societies, to respect their adherence to the Fundamental Principles of the Movement.

The Movement and refugees (1986)

Resolution XVII of the 25th International Conference of the Red Cross, Geneva 1986

The 25th International Conference of the Red Cross,

recalling Resolution XXI and the accompanying statement of policy on International Red Cross aid to refugees, adopted by the 24th International Conference of the Red Cross,

conscious that the number of refugees, asylum seekers and displaced persons has steadily grown over the past five years, creating even greater requirements for humanitarian aid, especially among the most vulnerable groups (women who are alone or who are heads of families, unaccompanied children, the physically and mentally handicapped, and the elderly),

recognizing that movements of refugees will continue until their causes are eliminated,

welcoming the initiative taken by the 36th session of the United Nations General Assembly to establish the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (United Nations Document A/41/324 of 13 May 1986) *and noting* the action being taken on this issue at the 41st session of the General Assembly,

recognizing that persons displaced within their own country do not always benefit from the protection and assistance with which the International Red Cross and Red Crescent Movement is at all times willing to provide them,

sharing the concerns expressed by the 37th session of the United Nations High Commissioner for Refugees' Executive Committee that military or armed attacks on refugee camps and settlements continue, since such attacks claim many victims particularly among women, children and the elderly in such camps and settlements as well as among the host population,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees in the field of international protection of and material assistance to refugees, and in the search for lasting solutions,

- 1 *calls upon* States, in the search for lasting solutions, to address first and foremost the causes of movements of refugees from their countries of origin,
- 2 *invites* governments and the International Red Cross and Red Crescent Movement to pursue their efforts in disseminating knowledge of international humanitarian law and the Fundamental Principles of the Movement to ensure greater respect for the human person,
- 3 *encourages* the Movement both to step up its own information and training activities and to take a greater part in providing information aimed at better understanding and mutual acceptance between refugees and their host communities,

- 4 *urges* National Red Cross and Red Crescent Societies to spare no effort to ensure that refugees and asylum-seekers receive humane treatment and decent material conditions in host countries,
- 5 *reminds* governments, in a spirit of humanity, of their legal and moral obligations regarding refugees, in particular that of respect for the principle of non-refoulement, and *encourages them* to do everything possible to accelerate the procedures for consideration of asylum applications while maintaining fundamental legal safeguards,
- 6 *requests* governments to permit the Movement to come to the aid of persons without any other suitable protection or assistance, as in certain cases where persons are displaced within their own country,
- 7 *calls upon* governments to continue their efforts to find in the near future a solution to the problem of military or armed attacks on refugee camps and settlements, in accordance with the conclusion of the 37th session of the UNHCR Executive Committee, *and reaffirms* the willingness of the Movement to assist in this endeavour,
- 8 *asks* governments, the Office of the United Nations High Commissioner for Refugees, National Societies, and non-governmental organizations to give special attention to the problems of refugees, returnees and displaced persons, particularly the most vulnerable groups, *and encourages* them vigorously to pursue appropriate lasting solutions, within the competence of the UNHCR,
- 9 *pledges* the continued support and enhanced collaboration of the Movement with the United Nations High Commissioner for Refugees.

International Red Cross aid to refugees (1981)

Resolution XXI of the 24th International Conference of the Red Cross, Manila 1981

The 24th International Conference of the Red Cross,

recalling Resolution I of the 23rd International Conference of the Red Cross which stated that the fundamental mission of the Red Cross includes the provision, without discrimination as to race, nationality, religious beliefs or political opinions, of protection and assistance to those who need it, in the event of armed conflict and other disasters,

conscious of the large number of refugees, returnees and displaced persons and the extent of human misery caused by the displacement of populations in many parts of the world,

recalling the primary responsibilities of the Governments of countries of asylum for the care of refugees on their territories, while bearing in mind the obligation of the international community to share equitably the burden of refugee protection, assistance and resettlement, in accordance with accepted principles of international solidarity and co-operation,

recalling that in accordance with the auxiliary role in the humanitarian services of their Governments and with the relief principles of the International Red Cross, National Red Cross and Red Crescent Societies should take immediate actions to alleviate suffering of victims of calamities, including emergency aid to refugees, returnees and displaced persons,

recalling the primary function of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the field of international protection and material assistance to refugees, persons displaced outside their country of origin and returnees, as laid down by its Statutes, the United Nations Convention and Protocol relating to the status of refugees and relevant resolutions adopted by the United Nations General Assembly,

considering that the ICRC and the League [the Federation] have respective functions in co-ordinating International Red Cross assistance to these victims, especially when they do not fall under the competence of the Office of the UNHCR,

- 1 *approves* the policy of the Red Cross in this field as set out in the statement annexed,
- 2 *pledges* the unremitting support and the collaboration of the Red Cross with the United Nations High Commissioner for Refugees in their respective activities in favour of refugees and displaced persons, within the framework of this policy.

Annex: International Red Cross Aid to Refugees Statement of Policy

- 1 The Red Cross should at all times be ready to assist and to protect refugees, displaced persons and returnees, when such victims are considered as protected persons under the Fourth Geneva Convention of 1949, or when they are considered as refugees under article 73 of the 1977 Protocol I additional to the Geneva Conventions of 1949, or in conformity with the Statutes of the International Red Cross, especially when they cannot, in fact, benefit from other protection or assistance, as in some cases of internally displaced persons.
- 2 The services offered by a National Society to refugees should conform to those offered to victims of natural disasters, as indicated in the Principles and Rules for Red Cross Disaster Relief. These services should be of an auxiliary character and undertaken in agreement with the authorities. They should be in strict accordance with the Red Cross fundamental principles.
- 3 Assistance from the Red Cross should at all times take due account of the comparable needs of the local population in the area in which refugees, displaced persons and returnees are accommodated. Since the Red Cross relief programmes are essentially of an emergency character, they should be phased out as soon as other organizations are in a position to provide the aid required.
- 4 All National Society actions for the benefit of refugees and displaced persons should be immediately reported to the League [the Federation] and/or the ICRC.
- 5 It is the responsibility of each National Society to inform the League [the Federation] and/or the ICRC of any negotiations likely to lead to a formal agreement between the Society and the UNHCR. The League [the Federation] and/or the ICRC should be associated with the Society in the negotiations and concur with the terms of agreement.
- 6 Societies, when possible, should use their influence to encourage their Government to accept refugees for resettlement as well as participate as appropriate by assisting with welfare programmes in the resettlement process in close co-operation and co-ordination with their Government.
- 7 The ICRC, the League [the Federation] and National Societies should co-operate to the maximum possible extent with UNHCR and all other institutions and organizations (governmental, intergovernmental and non-governmental) working in the field of refugee relief.
- 8 As a neutral and independent humanitarian institution, the ICRC offers its services whenever refugees and displaced persons are in need of the specific protection which the ICRC may afford them.
- 9 The Central Tracing Agency of the ICRC is also always ready in co-operation with National Societies to act in aid of refugees and displaced persons, for instance by facilitating the reuniting of dispersed families, by organizing the exchange of family news and by tracing missing persons. When necessary, it offers its co-operation to the UNHCR, as well as its technical assistance to National Societies to enable them to set up and develop their own tracing and mailing services.

- 10 The international institutions of the Red Cross will have regular consultations with the Office of the United Nations High Commissioner for Refugees on matters of common interest and, whenever considered useful, will co-ordinate their humanitarian assistance in favour of refugees and displaced persons in order to ensure complementarity between their actions.

Annex B

Examples of relevant international instruments

International human rights law

- Universal Declaration of Human Rights (1948)
www.unhchr.ch/udhr/index.htm
- International Covenant on Civil and Political Rights (1966)
www.unhchr.ch/html/menu3/b/a_ccpr.htm
- International Covenant on Economic, Social and Cultural Rights (1966)
www.unhchr.ch/html/menu3/b/a_cescr.htm
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
www.unhchr.ch/html/menu3/b/h_cat39.htm
- Convention on the Rights of the Child (1989)
www.unhchr.ch/html/menu3/b/k2crc.htm
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
www.unhchr.ch/html/menu3/b/d_icerd.htm
- Convention on the Elimination of All Forms of Discrimination against Women (1981)
www.unhchr.ch/html/menu3/b/e1cedaw.htm
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
www.unhchr.ch/html/menu3/b/m_mwctoc.htm

International refugee law

- Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees (1951/1967)
www.unhcr.ch/cgi-bin/texis/vtx/home?page=protect

European regional human rights law

- Charter of Fundamental Rights of the European Union (2000)
http://ue.eu.int/df/docs/en/EN_2001_1023.pdf
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
<http://conventions.coe.int/treaty/EN/Treaties/html/005.htm>

Annex C

Plan of Action – Migration, VIth European Red Cross and Red Crescent Regional Conference, Berlin 2002 (Berlin Conference)

The causes of migration are varied but are almost always linked to a combination of circumstances in the home country, such as the lack of social and economic opportunities and the perception of opportunity in the receiving country. The widening gap between poor and rich countries is one of the main factors causing migration flows. People try to escape a deteriorating socio-economic situation where they have meagre possibilities to support themselves and their families.

It is difficult for people to migrate without the assistance of others in the transit and destination countries. Often these are friends and relatives, increasingly they are criminals intent on exploiting an already vulnerable group. The rapid growth of human smuggling and trafficking has occurred largely thanks to governments implementing restrictive immigration and border control legislation and carrier sanctions in order to slow and better control increased migration flow. Smuggling and trafficking of human beings has become a multi-billion dollar industry which contributes greatly to vulnerability for people forced into lifelong debt, slave labour or prostitution.

The Migration Plan of Action addresses a range of vulnerabilities stemming from the movement of people across borders. Its focus is, in accordance with the Fundamental Principles, on the most vulnerable and those in the greatest and most urgent need of protection and assistance among those international migrants who cannot avail themselves, or for whatever reason choose not to, the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol.

International migration is neither a new phenomenon, nor is it in itself a crisis or a disaster. On the contrary, migration occurs in response to specific situations in both sending and receiving countries and gives all countries an opportunity for enhancing cultural diversity, establishing ties among peoples and contributing to peace. In addition, there exists the potential for a mutually beneficial relationship between these countries via the labour market - rapidly ageing wealthy countries need a labour force, which can only be supplied by migration from other countries.

Nevertheless, international migration currently occurs within a framework and under conditions which expose many international migrants to deception, exploitation, vulnerability, discrimination, xenophobia, resulting from social and other conditions which cause migration, the manner in which migration flows are managed, and the situation of the migrant in the receiving country.

European Red Cross and Red Crescent Societies will take action internally, through addressing the diversity issue, and externally, through its service delivery and advocacy, to ameliorate the conditions faced by international migrants and those made vulnerable by migration at all stages of the migration process.

Operational guidance

Migration is a phenomenon with a changing character. Its extent and complexity puts it beyond the capacity of a single organization or government to handle. Cooperation between all components of the Movement on international migration is essential. Communication and cooperation with peer

organizations as well as with those affected by migration is also essential if the Movement is to have an impact.

National Societies in countries of origin, transit and destination will improve their cooperation and will build appropriate networks among themselves in order to better protect, support and assist migrants and their families, regardless of status.

Protection

- Protect individuals' basic rights, already a mandate of the Movement, through provision of information, including legal advice and counselling on a confidential basis.
- Act against all forms of exploitation and deception (individual and structural) of migrants and those affected by the phenomenon.
- Develop innovative delivery mechanisms that take into account the circumstances of migrants, including detention.
- Provide information and assistance, through the ICRC, to National Societies to further enable them to address the needs of detained migrants and asylum seekers.

Humanitarian response

- Respond to humanitarian needs through provision of food, shelter, clothing, potable water and medical and psycho-social assistance.
- Provide tracing services to maintain family communication.
- Assist migrants in exercising their basic rights through provision of information, advice and counselling.

Integration

- Promote integration and/or reintegration to the extent possible, informing individuals of conditions, rights and obligations including, where appropriate, information as to the possibilities for return to their country of origin.

Advocacy

Effective advocacy must include advocating at all levels, including governments, the media and the public at large and seek to:

- actively fight against racism, xenophobia and discrimination through the promotion of respect, tolerance and the rule of law;
- advocate in favour of fair and humane domestic and international migration policies, and against contradictory policy responses to migration;
- advocate for the respect of the rights of all migrants;
- promote ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹;
- establish common Red Cross and Red Crescent advocacy positions on migration issues;
- advocate for sustainable and democratic development institutions in every country; and
- advocate for individuals to make informed decisions on migration initiatives.

As a first step, the Federation will gather examples of good practices and appropriate materials from National Societies and disseminate them as widely as possible throughout the Movement.

Migrant health

European countries are facing the challenge of responding to increasing numbers of immigrants and asylum seekers, many who are in vulnerable situations. Immigrants and asylum seekers have fundamental rights which must be respected, especially the right to health. Red Cross and Red Crescent Societies have as their mission the protection of vulnerable people. National Societies aim to support migrants in their integration into their new communities. This commitment is expressed through documents such as the Copenhagen Declaration, *Strategy 2010* and the *Strategy for the Movement*.

In order to accomplish this mission, we propose the adoption of an overall strategy concerning for health and migration. This strategy is founded on the following assumptions:

- Ready access to universal health as obligatory guidelines in the fight against social vulnerability, regardless of the legal status of migrants and asylum seekers.
- Health care as a pathway toward other integration resources, assuming that good physical and mental health are prerequisites to any successful social integration, and reinforce the capacity of people to meet the unavoidable challenges and tensions associated with integration. Consequently, health should be integrated in all projects consecrated to immigrant groups and should be promoted as a prerequisite for successful participation in the host country.
- Consideration of the foreign-born population as a potentially, but not necessarily, vulnerable group. In fact, those that were able to leave their countries in search of a better and surer life, and succeeded in their intent, should probably be considered as strong individuals, with powerful capacities. However, immigrants are affected by pre and post migratory contexts that should be carefully considered in any planning as well.
- Gender, age, health and education are important variables when elaborating plans for integration and health care. Affirmative actions are likely to be adopted, keeping in mind the permanent disadvantages faced by each one of these groups – elderly, ill and disabled people, women and children. Certain people, particularly women, can qualify as community promoters in prevention and health care within their ethnic or national groups and through encounters with health workers, immigrants learn about other necessary resources such as social services, employment opportunities, legal counselling, etc.
- A need to settle and to improve inter-cultural relationships, mainly with regard to language skills and personal abilities.

In order to promote active participation in the field of health, it is important to develop the necessary resources to make them feasible and to avoid discrimination. Intercultural mediation is also important to prevent distrust toward the authorities, particularly in the case of harassed, tortured or persecuted people.

The strategy is divided into three levels:

Internal adaptation

Integrate this strategy within our own organizations. Address implications for resource allocation, personnel and volunteer training, and establish common indicators in order to foster networking and exchange of best practices.

National and international advocacy and awareness

Promote and defend a wide definition of health, such as “a state of complete physical, mental and social well-being, not only the absence of uneasiness or illness”. Also promote good health as an inalienable, universal right. Examples of practical ideas for advocacy include convincing the media, decision makers and government authorities to change derogatory or negative messages linking health scares or violence with immigration. Develop campaigns and hold roundtable discussions with health professionals, volunteers, migrant associations, teachers and social workers concerning new challenges and proposals on health and immigration themes.

Development of areas and specific services

This third level concerns the following four areas:

Attention to primary health (PH)

Apply the concept of PH developed by the WHO and facilitate the immigrant population’s access to health, including psychological support and post traumatic stress disorder therapies, when necessary. This task is twofold – to work towards a regularization process among immigrants and asylum seekers, and to fight for access for all to health care and integration. Work in the preventing illnesses by means of campaigns that accentuate self care and self respect. Work in all levels of the aid/need pyramid, from basic needs to personal development, stressing personal capacity at each level. Examples of ad hoc tools and activities include, encounters with health professionals and mediators, the addition of multilingual guides

to facilitate access and correct use of services, building towards social and labour integration, training volunteers and personnel on issues of immigration and inter cultural relations.

Attention to specific diseases and new pathologies

Migrants' health is conditioned by two contexts, pre and post migration. Poor pre-migration health can be caused by lower health care in the sending country, with endemic diseases as tuberculosis, hepatitis, HIV/AIDS, leishmaniasis. These are often due to socio-economic factors such as overcrowded and inappropriate housing, under-nourishment, lack of drinkable water. Biological and psycho-social problems and traumatic experiences could be another factor. Post-migratory health is often determined by the conditions in which many migrants are forced to live or work in the host country. Poverty and social exclusion can generate health problems. In the case of pre-migration, disease control and PH policies must be integrated, possibly by means of development aid. In the case of post-migration, advocacy and awareness campaigns must be undertaken, as well as social development projects to prevent exclusion and to eradicate poverty.

Reproductive health and gender issues

Sexual and reproductive health are especially sensitive issues for migrant women who suffer discrimination. A battery of actions should be dedicated to empower these women and to foster their role as health promoters. They imply the involvement of women in all stages of the social intervention. A special emphasis should be put on women who are forced into prostitution, victims of traffickers, and those who may suffer genital mutilation.

Medical attention and inter cultural competence

There are four main problems to address – ethnocentrism, religious conflict, communication obstacles, and fear and rejection of the unknown. The strategy proposes improving therapeutic relationships by means of mutual respect and understanding, the establishment of trust, credibility and confidentiality. In sum, emphasizing clinical ethics that place technical aspects of medicine in a human framework.

National Societies are encouraged to share this strategy, and promote it at locally, regionally and nationally.

Racism and xenophobia

The escalation of racism, xenophobia and other forms of discrimination and the increase in the number of personal attacks, based on ethnic origin and religious beliefs targeting irregular and documented migrants, refugees and asylum seekers is a matter of concern to the European Red Cross and Red Crescent Societies, as it is to the whole of the Red Cross Red Crescent Movement.

The European Red Cross and Red Crescent Societies commit themselves to:

- make sure that the Red Cross and Red Crescent is inclusive and open to all people within the community, and a home to all who wish to participate in voluntary activity;
- ensure that the National Society, both at the governance, operational and executive levels, reflects the make-up of the population, particularly a better ethnic, gender and youth representation, as an important step to both prevent and combat discrimination within National Societies;
- take up the fight against racism and xenophobia in relation to the fight against exclusion and discrimination in all its forms and to promote a culture of tolerance, mutual respect, justice and peace across all civilizations;
- build on the Fundamental Principles to discuss and influence behaviour both within and outside of the Movement, and develop new initiatives to prevent and reduce racist and xenophobic related discrimination and violence;
- Act against, and publicly condemn, all forms of racism, xenophobia and discrimination, based on the Fundamental Principles and the Movement's practical experience in this field;
- advocate actively to protect the basic rights of groups and individuals at risk in their countries and, where necessary, create conditions of safety for people endangered by violence or discrimination;
- establish or further develop partnership arrangements with other National Societies, both in a bilateral and network context, and work with other partners, including migrant community organizations,

government agencies and international organizations, to strengthen the work to prevent and reduce racist or xenophobic related discrimination and violence in the community;

- provide evidence of steps taken to fight racism, xenophobia and other forms of discrimination at the Federation's General Assembly in 2003.

With this background and on the basis of our Fundamental Principles and policy decisions we, the European Red Cross and Red Crescent Societies will take firm, persistent and direct action to combat racism and xenophobia by:

- promoting tolerance and respect within our National Societies by developing and implementing a diversity strategy and ensuring that volunteers and staff - at the operational and executive levels - know about, understand and advocate for a tolerant and respectful society;
- integrating the fight against racism and xenophobia in our daily programmatic activities and in our governance and management structures and processes;
- capturing, building and sharing expertise, knowledge and best practice on fighting racism, xenophobia and related discrimination, both within and outside the Movement, in particular cooperation with migrant community organizations, governments, NGOs, UN funds, agencies and programmes;
- developing innovative and interactive methodologies, programmes and campaigns to influence behaviour in communities and raise awareness, giving special attention to anti-racist education, and recognizing the high value of youth as change agents;
- offering medical services to victims of racist and xenophobic related discrimination, as well as empowerment programmes, paying special attention to the most vulnerable groups such as women and children;
- advocating for and participating in the implementation and the safeguarding of national and international human rights and anti-racist legislation and policies in particular the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance adopted in Durban in 2001;
- implementing the Federation's global action to reduce discrimination and violence in the community.

Tracing and family reunification

European Red Cross and Red Crescent Societies emphasize:

- Knowing the fate of a loved one is basic human need like the need for food, medical assistance, shelter, etc.
- The unique value of the Red Cross and Red Crescent global tracing network in restoring family links.
- The essential role of the tracing services as a component of the Movement's response to conflicts and emergency situations.

Recalling the Resolutions of the 25th International Conference in relation to tracing activities, European Red Cross and Red Crescent Societies will, in cooperation with one another, with National Societies beyond Europe and with the ICRC, ensure their services and assistance to the most vulnerable. This includes migrants who are separated from their relatives and have no news of them. All persons in need of these services should be able to access them without consideration to their own legal status.

European National Societies will put into practice all the guidelines, as agreed upon by National Societies and the ICRC in an effort to restore family links. (European National Societies will endeavour to indicate to each other the relevant sections of the guidelines, as appropriate, when dealing with enquiries.)

European National Societies must respond to the psychological impact on people of having no news from relatives. They will therefore give attention to psychological needs in their training programs for tracing staff and volunteers, as well as in the design and delivery of services.

In their cooperation programs, both long term and in emergency situations, European National Societies will assist each other in further developing tracing activities, in accordance with agreed policies within the Movement.

In order to reinforce the Movement's tracing network, European National Societies will facilitate and enhance the exchange of experiences and knowledge between their tracing services, by setting up partnerships, organizing joint seminars and regional meetings, etc.

In order to enhance the exchange of information, we urge the Federation secretariat to pursue their efforts in linking all National Societies to the Internet and more specifically to create a functional tracing e-mail address for the tracing services and to contact all National Societies to urge them to install and to use this address.

Taking the above into account, the Sixth European Red Cross and Red Crescent Conference urges the National Societies of Europe to draft a medium-term tracing service development plan by May 2004.

Annex D

Useful links

- **Amnesty International**
www.amnesty.org
- **Bulgarian Red Cross**
www.redcross.bg
- **Croatian Red Cross**
www.hck.hr
- **Danish Red Cross**
www.redcross.dk
- **Danish Red Cross Asylum Department**
www.asylum.redcross.dk
- **European Commission**
www.europa.eu.int/comm/index_en.htm
- **European Council on Refugees and Exiles**
www.ecre.org
- **European Refugee Fund**
www.european-refugee-fund.org
- **European Social Fund**
www.europa.eu.int/comm/employment_social/esf2000/
- **European Union**
www.europa.eu.int
- **International Committee of the Red Cross**
www.icrc.org
- **International Federation of Red Cross and Red Crescent Societies**
www.ifrc.org
- **International Federation of Red Cross and Red Crescent Societies, VIth European Red Cross and Red Crescent Regional Conference (Berlin Conference)**
www.ifrc.org/news/events/berlin02
- **International Federation of Red Cross and Red Crescent Societies, Europe Region**
www.ifrccee.org
- **International Organization for Migration**
www.iom.int
- **Lithuanian Red Cross**
www.redcross.lt
- **Organization for Security and Co-operation in Europe**
www.osce.org
- **Platform for European Red Cross Cooperation on Refugees, Asylum Seekers and Migrants**
www.ifrc.org/what/response/refugees/perco
- **Quick Response**
www.quickresponse.nu
- **Reach Out Project**
www.reachout.ch
- **Red Cross/EU Office**
www.redcross-eu.net
- **Spanish Red Cross**
www.cruzroja.es
- **Stability Pact for South Eastern Europe**
www.stabilitypact.org
- **Swedish Red Cross**
www.redcross.se
- **Swedish Red Cross Youth**
www.rkuf.se
- **United Nations High Commissioner for Refugees**
www.unhcr.ch
- **Yugoslav Red Cross**
www.jck.org.yu

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary Service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



The *International Federation of Red Cross and Red Crescent Societies* promotes the humanitarian activities of National Societies among vulnerable people.

By coordinating international disaster relief and encouraging development support it seeks to prevent and alleviate human suffering.

The Federation, the National Societies and the International Committee of the Red Cross together constitute the International Red Cross and Red Crescent Movement.