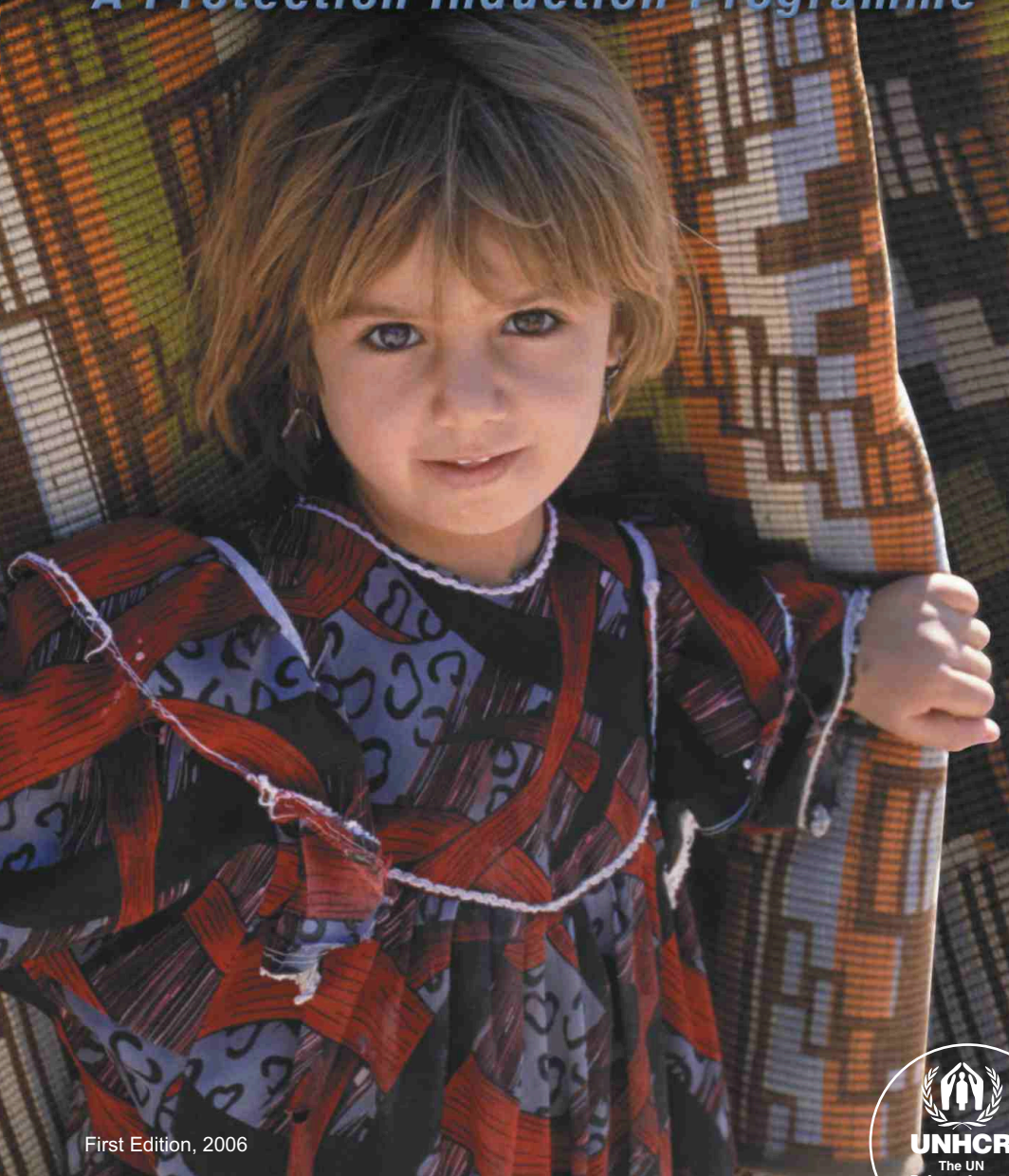


UNHCR & International Protection

A Protection Induction Programme



First Edition, 2006



UNHCR & **International
Protection**
A Protection Induction Programme

First edition, 2006

Foreword

The office of the United Nations High Commissioner for Refugees is first and foremost a protection agency. Quality protection for persons of its concern, including through realising solutions which end the displacement experience by restoring a durable national protection, is the main goal of UNHCR's work. Each staff member is, in varying ways, an agent of protection.



To do justice to this responsibility, it is essential that the basic underlying protection concepts which frame our work are understood by all staff, regardless of actual job descriptions. Ever improving protection performance is partly conditional on all of us being aware of the principles of international protection, as well as understanding how our tasks practically link to improving the quality of protection available to women, men, boys and girls, individually and collectively, of concern to us. I have long advocated that protection training that serves this purpose is undertaken by all staff, including senior management. Similarly, as our partners enhance their own protection activities, I believe it is equally important that they too have access to, at least, the basic protection training being advocated for all UNHCR staff.

Against this background I am very pleased to present this first edition of *UNHCR and International Protection: A Protection Induction Programme*. Its purpose is to make an accessible and user-friendly introduction to the basics of international protection, in an interactive e-learning form and in different languages, available to all staff and UNHCR partners.

We trust that the programme will contribute to reinforcing a shared vision of international protection among staff and partners and, through informing, will help to strengthen and professionalise protection delivery.










Erika Feller

Assistant High Commissioner
for Protection

1 June 2006

Table of Contents

	Foreword	3
	UNHCR and International Protection	7
Chapter 1	UNHCR and International Protection	9
	1.1 Introduction	10
	1.2 UNHCR's protection mandate	11
	1.3 International protection	12
	1.4 Responsibility to protect persons of concern	14
	Further Reading	15
Chapter 2	Persons of Concern to UNHCR	17
	2.1 Introduction	18
	2.2 Asylum-seekers	19
	2.3 Refugees	20
	2.4 Stateless persons	26
	2.5 The Internally Displaced	28
	2.6 Returnees	30
	Further Reading	31
Chapter 3	The Legal Framework	33
	3.1 Introduction	34
	3.2 International Refugee Law	35
	3.3 International Human Rights Law	37
	3.4 International Humanitarian Law (IHL)	40
	3.5 National laws	42
	Further Reading	43

Chapter 4	Access to Asylum, Registration and Quality Protection	45
	4.1 Introduction	46
	4.2 Access to safety and the principle of <i>non-refoulement</i>	47
	4.3 Individual registration	48
	4.4 Providing quality protection	49
	Further Reading	51
Chapter 5	Partnerships with Uprooted Women, Men, Girls and Boys	53
	5.1 Introduction	54
	5.2 Understanding and reducing protection risks	55
	Further Reading	57
Chapter 6	SGBV; Unaccompanied and Separated Children	59
	6.1 Introduction	60
	6.2 Sexual and gender-based violence	61
	6.3 Unaccompanied and separated children	64
	Further Reading	69
Chapter 7	Timely and Durable Solutions	71
	7.1 Introduction	72
	7.2 Voluntary repatriation	73
	7.3 Resettlement	75
	7.4 Local integration	77
	Further Reading	78

Annex 1:	Members of the Executive Committee of the High Commissioner's Programme	79
Annex 2:	<i>States Parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol</i>	80
	Glossary of Terms	84

UNHCR and International Protection

A Protection Induction Programme

The *Protection Induction Programme* has been developed to support the work of UNHCR staff as well as colleagues associated with NGOs, other UN agencies and governments who are working with refugees and other uprooted people.

This programme is about people who have been forcibly uprooted and how the *Office of the United Nations High Commissioner for Refugees* (UNHCR) works with them. It outlines some basic principles of international protection that have been developed to protect these uprooted people.

The *Protection Induction Programme* consists of this Handbook and an interactive computer-based learning programme. To attract as wide an audience as possible, the programme has been written in easy-to-understand, accessible language and legal terminology has been avoided whenever possible. It is available in Arabic, English, French, Russian and Spanish.

The learning modules that are included in this Handbook as well as the interactive computer-based learning programme include:

1. UNHCR and International Protection
2. Persons of Concern to UNHCR
3. The Legal Framework
4. Access to Asylum, Registration and Quality Protection
5. Partnership with Uprooted Women, Men, Girls and Boys
6. SGBV; Unaccompanied and Separated Children
7. Timely and Durable Solutions

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UNHCR & International
Protection
A Protection Induction Programme



Chapter 1: UNHCR and International Protection

This Chapter

- provides an overview of the mandate and functions of the **Office of the United Nations High Commissioner for Refugees (UNHCR)**;
- introduces the scope and content of **international protection** and the work of UNHCR;
- outlines the roles and responsibilities of countries, UNHCR, and other agencies in protecting refugees and others of concern to UNHCR.



1.1 Introduction

Throughout history, people have been persecuted and forcibly displaced from their homes. In exile, they have sought shelter in and relied on the protection of other countries.

In the 20th century, the problem of refugees and other uprooted people became the concern of the international community, which, for humanitarian reasons, began assuming responsibility for protecting them. These efforts resulted in the creation of the *Office of the United Nations High Commissioner for Refugees (UNHCR)* and the adoption of the Office's Statute in 1950. In 1951, the *Convention relating to the Status of Refugees* was adopted by the United Nations General Assembly. The *1951 Refugee Convention* together with its subsequent *1967 Protocol* remain the cornerstone of the international legal framework to protect the world's refugees.

UNHCR began work on 1 January 1951, focusing its attention on helping an estimated 1.2 million refugees who were still living as exiles in the aftermath of the Second World War. In the following decades, as conflict and persecution continued to force people to flee their homes in every region of the world, UNHCR expanded its operations to protect them and find solutions to their plight.

Today, UNHCR exercises its protection mandate with a staff of more than 6,500 persons helping over 19 million people in 116 countries.





1.2 UNHCR's protection mandate

When governments are unable or unwilling to protect their citizens, people seek the protection of other countries. UNHCR has the responsibility to work with countries in protecting these uprooted people and finding them permanent solutions. UNHCR's protection mandate extends beyond refugees to incorporate other **persons of concern** to the office such as **asylum-seekers, stateless persons, the internally displaced and returnees**. This is addressed in detail in Chapter 2.

In accordance with its Statute, UNHCR works under the authority of the **UN General Assembly** and follows policy directives of the **UN Economic and Social Council (ECOSOC)**. The agency's work is entirely **non-political, humanitarian, and social**.

UNHCR is governed by the **Executive Committee of the High Commissioner's Programme (ExCom)**. ExCom is composed of representatives from countries selected by the ECOSOC. It approves UNHCR's programmes and budget. It also provides authoritative guidance on international protection in the form of **ExCom Conclusions on International Protection** during its annual meeting in Geneva. In 2006, 70 countries were members of ExCom. Not all members of ExCom have signed the *1951 Refugee Convention* or its *1967 Protocol*.

1.3 International protection

International protection includes a range of concrete activities that ensure that all women, men, girls, and boys of concern to UNHCR have equal access to and enjoyment of their rights in accordance with international law. The ultimate goal of these activities is to help them rebuild their lives within a reasonable amount of time.



Box A



Protection activities undertaken by UNHCR include:

- ensuring that countries **admit and register asylum-seekers and refugees** and that they are not forcibly sent back to their countries (*refouled*) where their lives would be in danger. **Non-refoulement** is a core principle of international refugee law that prohibits the return of refugees in any manner whatsoever to countries or territories where their life or liberty would be threatened. (See Chapter 4 for more information on *non-refoulement*);
- **determining who is a refugee** under its own mandate and assisting governments in determining who is a refugee;
- working to ensure that the **human rights** – including the right to life, liberty, protection against arbitrary detention and physical violence such as rape – of refugees, the internally displaced and other persons of concern are respected and upheld. To assist countries in ensuring that some of these rights are accorded – such as the right to food, potable water, adequate shelter, education and health – UNHCR and its partners often step in to provide services to women, men, girls and boys of concern to the agency;
- identifying and addressing the **specific protection needs** of individual women, men, girls and boys;
- working with countries to identify and provide **durable solutions** for refugees and others of concern to the agency;
- **monitoring** how countries that have signed on to the *1951 Refugee Convention* and/or its *1967 Protocol*, and the Statelessness Conventions, are implementing those treaties;
- **providing advice** to governments, courts of law, and other authorities, and advocates on behalf of persons of concern to UNHCR; and
- assisting countries in **developing and implementing national laws** that protect the rights of refugees, the internally displaced and others of concern to UNHCR.





1.4 Responsibility to protect persons of concern

Countries are primarily responsible for protecting the human rights of all people in their territory, including asylum-seekers, refugees, stateless persons, internally displaced persons, and returnees.

UNHCR works closely with governments to ensure that persons of concern to the agency are able to exercise their human rights and live securely and with dignity. **However, UNHCR is not a substitute for government responsibility.**

UNHCR's protection mandate is supported by the work of **non-governmental organisations (NGOs)** — non-profit organisations that do not represent a government — that work closely with governments and UNHCR in ensuring that refugees and other persons of concern are properly protected.






A number of other international agencies, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF), the World Food Programme (WFP), the Department of Peacekeeping Operations (DPKO), and the International Committee of the Red Cross (ICRC), also support governments in caring for refugees.

Further Reading








Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.

UNHCR

-  *The Statute of the United Nations High Commissioner for Refugees*, General Assembly Resolution 428 (V) of 14 December 1950.
-  *UNHCR Mission Statement*.
-  *The Agenda for Protection*, UNHCR, A/AC.96/965/Add 1 of 26 June 2002.
-  *Helping Refugees: An Introduction to UNHCR*, UNHCR, September 2005.
-  *Summary Conclusions – Supervisory Responsibility*, Global Consultations on International Protection, Cambridge Expert Roundtable, 9-10 July 2001.

International Protection

-  *Self-Study Module 1: An Introduction to International Protection: Protecting Persons of Concern to UNHCR*, UNHCR, 1 August 2005.
-  *Protecting Refugees – Questions & Answers*, UNHCR, September 2005.
-  *NGO Partnerships in Refugee Protection: Questions and Answers*, UNHCR, September 2005.
-  *Protecting Refugees: A Field Guide for NGOs*, UNHCR and NGO Partners, May 1999.
-  *Refugee Protection: A Guide to International Refugee Law (Handbook for Parliamentarians)*, Inter-Parliamentary Union and UNHCR, 2001.



Chapter 2: Persons of Concern to UNHCR

This Chapter

- provides an overview of the various categories of **persons who are of concern to UNHCR**.



2.1 Introduction

People who have been forcibly uprooted from their homes can be found in every region in the world. They have often lost everything — their families, communities, houses, jobs and their sense of security and belonging. UNHCR and its partners assist countries in protecting such persons collectively referred to as '**persons of concern to UNHCR**'.

Identifying who these persons of concern are is the first step towards ensuring that they are properly protected. Primarily, these include:

- asylum-seekers
- refugees
- stateless persons
- the internally displaced
- returnees



2.2 Asylum-seekers

When people seek safety in countries other than their own, they are said to be seeking asylum and are known as asylum-seekers.

Most countries expect asylum-seekers to apply to be recognised as refugees. However, even if asylum-seekers do not apply to be recognised — either because these procedures are not in place, or because the asylum-seeker is not aware of these application procedures, or because the asylum-seeker is unable or unwilling to access them — they may still be in need of international protection and of concern to UNHCR.

In particular, children in need of international protection but who do not receive proper support and guidance are often unable to access or understand complicated asylum processes. In other situations, women, children and men who are trafficked but may also be in need of international protection may also be physically barred by their ‘exploiters’ from accessing these procedures. Asylum-seekers may also simply not be aware of the formal asylum procedures. Governments must take proactive measures to ensure that such persons are identified at an early stage and provided with an opportunity to seek safety. UNHCR and other humanitarian agencies should provide the necessary support to governments in this endeavour.



2.2.1 Rejected asylum-seekers

Asylum-seekers found not to be in need of international protection are refused refugee status. Thereafter, they are not normally of concern to UNHCR. However, if countries reject asylum-seekers who, in UNHCR’s view are refugees, they would remain of concern to UNHCR. UNHCR may subsequently choose to recognise them as refugees under its own mandate or take steps to ensure they are protected.



2.3 Refugees

The *1951 Refugee Convention* defines the term “refugee” as a person who has a **well-founded fear of persecution** for one or more of the following five reasons (also known as “*convention grounds*”):

- race
- religion
- nationality
- membership of a particular social group
- political opinion

A refugee must be outside the country of her/his nationality, and unable or, owing to such fear, unwilling to avail herself/himself of the protection of that country. If the person does not have a nationality, it must be established that s/he fears persecution in the country of habitual residence.

Refugees, like all other persons, have a **right to family unity**. As a result, family members and dependants of a refugee will normally be recognised as refugees. They have the same rights and entitlements as other recognised refugees. It is also possible that individual family members — including the husband/wife and children of a refugee — are refugees in their own right.

Box B



The refugee definition explained: the Inclusion Clause

- There is no universally accepted definition of ‘**persecution**’ in the context of the *1951 Refugee Convention*. Persecution consists of human rights abuses or other serious harm, often, but not always, perpetrated in a systematic or repetitive way. Rape, domestic violence, unlawful detention and torture are some examples of human rights abuses. While discrimination may not, in the normal course, amount to persecution, particularly egregious forms of discrimination certainly will. Further, a persistent pattern of discrimination will usually, on cumulative grounds, amount to persecution.
- In determining whether an individual has a **well-founded fear** of being persecuted, it is necessary to consider the individual’s state of mind as well as the objective situation that gave rise to the person’s fear. There must also be a link between the well-founded fear of persecution and one of the five ‘*convention grounds*’ – race, religion, nationality, membership of a particular social group and political opinion.
 - ‘**Race**’ as a convention ground is understood in its widest sense to include all kinds of ethnic groups that are referred to as ‘*rac*es’ in common usage.
 - Persecution for reason of ‘**religion**’ may assume various forms, including prohibition of membership in a religious community or prohibition of worship in private or public. Serious discriminatory measures imposed on persons because they practice/do not practice a religion or because they belong/do not belong to a particular religious community may also be persecutory.
 - ‘**Nationality**’ as a ground for persecution refers not only to citizenship, but also to membership of an ethnic or linguistic group. Occasionally, it may overlap with the convention ground of ‘*race*’.
 - A ‘**particular social group**’ is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience, or the exercise of one’s human rights.
 - ‘**Political opinion**’ as a ground for persecution implies that a person holds an opinion that is not tolerated by the authorities, and that this opinion has come or most probably will come to the notice of the authorities. An ‘*imputed*’ political opinion may arise when the authorities attribute political beliefs or actions to an individual.

While ‘gender’ is not, in itself, a ‘convention ground’, it is widely accepted that the refugee definition, properly interpreted, covers gender-related claims. Gender-related claims may include, among other things, acts of sexual violence, family/domestic violence, coerced family planning, female genital mutilation, punishment for transgression of social mores, and discrimination against homosexuals.

- A person may be **unable** to avail of the protection of his/her country when, for instance, a country may be unable to extend proper protection in a state of war, civil war, or other grave disturbance. A person may also refuse to accept (being **unwilling**) the protection of her/his country when, for instance, s/he has well-founded fear of persecution in this country.

Under **UNHCR's mandate**, two categories of persons may qualify for refugee status: (1) persons who meet the criteria of the refugee definition contained in the UNHCR Statute which is nearly identical to the *1951 Refugee Convention*, and (2) persons outside their country of origin who are unable to return owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalised violence or events seriously disturbing public order.

The refugee definition provided by the *1951 Refugee Convention* has also been built upon by regional instruments — in particular the **OAU Convention Governing the Specific Aspects of Refugee Problems in Africa** (1969) and in Latin America by the **Cartagena Declaration on Refugees** (1984).

The **OAU Convention** includes the definition found in the *1951 Refugee Convention* but goes further in including persons compelled to leave their country *'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole or his country of origin or nationality'*.

Similarly, the **Cartagena Declaration** reiterates the refugee definition found in the *1951 Refugee Convention* and further defines the term to also include persons who flee their country *'because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order'*. While the Cartagena Declaration is not, in itself, a legally binding instrument, countries in the region have incorporated it in their national laws, while others use it to guide them in protecting refugees.



2.3.1 Exclusion from international refugee protection

Under certain conditions, persons who meet the criteria for recognition as refugees are nevertheless denied the protection of the *1951 Refugee Convention*. This is the case for the following categories:

- **Persons who are not entitled to the benefits of the 1951 Refugee Convention:** The *1951 Refugee Convention* denies international refugee protection to individuals who are receiving protection or assistance from a UN agency other than UNHCR. In today's context, this applies to certain groups of Palestinian refugees who are inside the area of operations of the *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*. If such persons are outside the area of operations of UNRWA, they may be entitled to the protection of the *1951 Refugee Convention*.
- **Persons who are not in need of international refugee protection:** The *1951 Refugee Convention* provides for denial of refugee status to persons who have taken up regular or permanent residence in a country that has given them a status whereby they effectively enjoy the same rights and have the same obligations as nationals of that country.
- **Persons who are considered undeserving of international refugee protection:** The *1951 Refugee Convention* envisages exclusion from international refugee protection of persons considered not to deserve such protection on account of their having committed certain serious crimes or heinous acts. This applies to persons who are responsible for war crimes, crimes against humanity or crimes against peace. Similarly, those who have committed serious non-political crimes or acted against the purposes and principles of the United Nations cannot benefit from refugee status.



Box C



The refugee definition explained: the Exclusion Clauses

- **War crimes** involve serious violations of the laws or customs of war including, but not limited to, grave breaches of the 1949 Geneva Conventions such as wilful killing, torture, inhumane treatment, rape, enforced prostitution, unlawful detention or deportation of persons who have not or are no longer taking part in hostilities, and the destruction or appropriation of property protected under the 1949 Geneva Conventions. War crimes can be committed by civilians or by military personnel.
- **Crimes against humanity** are inhumane acts that include, but are not limited to, murder, extermination, genocide, enslavement, deportation, imprisonment, torture, rape and other forms of sexual violence, when committed as part of a widespread or systematic attack directed against the civilian population. Crimes against humanity can occur in peace time as well as during war.
- **Crimes against peace** include the planning, preparation, initiation, or waging of a war of aggression or a war that is in violation of international treaties, agreements or assurances.
- A **serious non-political** crime is one that is considered serious in most jurisdictions and that is predominantly motivated by non-political reasons, such as personal gain. Crimes that are politically motivated but that cause indiscriminate harm to civilians and/or are disproportionate to the alleged political purpose, would also be considered non-political for the purposes of the exclusion clause of the *1951 Refugee Convention*.
- The **purposes and principles of the United Nations** are set out in the Preamble and Articles 1 and 2 of the United Nations Charter. They relate to the fundamental principles that govern relations between States and to the international community in general. Only serious acts which have an impact on international peace, security and peaceful relations between States can fall within this category.

2.3.2 Others not in need of international protection

Migrants who leave a country voluntarily, seeking a better life and who can return to their country without fear of persecution are not refugees. Similarly, people fleeing natural disasters are not refugees. There may be situations where individuals — including those who are smuggled or trafficked — who left their country voluntarily or who were coerced into leaving their country, are in need of international protection after they arrive in another country

Since refugee status is civilian and humanitarian in character, **persons who continue to pursue armed activities** cannot be considered to be refugees.

Persons who participated in armed conflict but have genuinely and permanently renounced military activities may be considered as refugees if they fulfil the criteria of the refugee definition and do not come within the scope of an exclusion clause.

2.3.3 Cessation of refugee status

Refugee status is temporary in nature. It remains valid until it is established that international protection is no longer necessary or justified. The *1951 Refugee Convention* contains an exhaustive list of the circumstances under which refugee status may cease.

Refugee status ceases if a refugee voluntarily acts in a manner that demonstrates that s/he has re-availed herself/himself of the protection of a country of origin (or former habitual residence). It will also cease when a refugee acquires a new nationality and enjoys the protection of that country.

Further, refugee status may cease when there have been fundamental, stable and lasting changes in the country of origin (or former habitual residence) that no longer justify the need for international protection. Even if these 'ceased circumstances' exist, compelling reasons arising out of previous persecution may justify the need for continued international protection for some refugees. For instance, it may be unreasonable to expect survivors of torture to return to their country even if the situation has improved dramatically.



2.3.4 Recognising refugees

Countries normally establish procedures to formally recognise refugees. 'Convention refugees' is a term often applied to those refugees recognised by countries based on the refugee definition provided in the *1951 Refugee Convention*.

In some situations, UNHCR recognises refugees in accordance with its **mandate**. This normally happens in countries that have not established a procedure to determine refugee status or in countries where the asylum procedures are not functioning properly.

Refugee status may be decided on an individual or a group basis under the *1951 Refugee Convention*, under regional refugee instruments, or by UNHCR under its mandate. If large numbers of people have fled persecution or conflict, they are often considered as refugees on a **prima facie** basis. This is a practical measure to allow refugees to receive international protection without the formality of undergoing individual refugee status determination.

2.4 Stateless persons

A stateless person is one who is not considered to be a national by any state under its laws. A stateless person can also be a refugee when, for example, s/he is forced to leave her/his country of habitual residence because of persecution. However, not all stateless persons are refugees, and not all refugees are stateless.





2.4.1 Some causes of statelessness

Sometimes governments do not realise that they are creating stateless persons. This may happen when the laws of two countries conflict with each other and a person does not qualify as a national of either country with which s/he is associated.

For instance, in some countries, if a man or woman marries a foreigner, s/he loses her/his nationality and is expected to take on the nationality of the spouse. But there is no guarantee that the country of the spouse will grant her/him citizenship. The laws of many countries discriminate against women with regard to nationality issues.

In other situations, a child born in a foreign country may not be recognised by the country of birth because the parents are foreigners. At the same time, the country of his/her parents may not recognise the child because the birth occurred outside its territory.

Countries may also arbitrarily revoke or deny citizenship to certain individuals or groups because of their ethnicity, religion, gender, race, or other reasons. Failure to register birth in some countries may result in statelessness.

2.4.2 Some effects of statelessness

Since stateless persons do not have the protection of any country, they often lack access to education, jobs, and health care. Many cannot register their marriage or the birth of their children or acquire identification or travel documents. Often, they have no sense of belonging or identity.

Statelessness can sometimes create instability within a country and may even result in conflict and the displacement of people.

2.4.3 UNHCR and stateless persons

Because refugee and statelessness problems sometimes overlap and may be linked, the UN General Assembly mandated UNHCR to work to prevent statelessness and to act on behalf of stateless persons.

UNHCR assists stateless persons in resolving their legal problems, obtaining documentation, and eventually restarting their lives as citizens of a country. UNHCR also provides technical and legal advice to governments on nationality issues, including assistance in drafting and implementing nationality legislation designed to prevent and resolve situations of statelessness.

UNHCR encourages countries to accede to two international instruments relating to statelessness:

- the *1954 Convention relating to the Status of Stateless Persons*, which aims to ensure a basic standard of treatment for all stateless persons; and
- the *1961 Convention on the Reduction of Statelessness*, which aims to avoid all future cases of statelessness.

2.5 The Internally Displaced

The internally displaced are people who have been forced to flee their homes as a result of armed conflict, situations of generalised violence, violations of human rights, or natural or human-made disasters. While the problems of refugees and the internally displaced are often similar and interlinked, unlike refugees who have crossed an international border, the internally displaced remain uprooted **within their own country**.

There are over 25 million internally displaced persons living in some 50 countries around the world. Very often, their own governments are unable or unwilling to protect them. In these circumstances, the internally displaced need the protection and support of international humanitarian agencies.

2.5.1 The Guiding Principles on Internal Displacement

In 1998, the United Nations adopted the *Guiding Principles on Internal Displacement*. Based on standards enumerated by human rights, refugee law and international humanitarian law, the Guiding Principles provide a framework to prevent internal displacement and to protect and find solutions for those who have been displaced. While the Guiding Principles are not binding, some countries have incorporated them in their national laws, thus binding themselves to their implementation.

2.5.2 UNHCR and the internally displaced

UNHCR has been supporting governments in protecting and assisting internally displaced persons since 1972.

UNHCR works alongside other UN, governmental and non-governmental agencies in a **collaborative response** to protect and assist persons who have been internally displaced as a result of armed conflict, situations of generalised violence and violations of human rights. Members of the collaborative response address the issue of internal displacement on the basis of their respective mandates and expertise.

Where a collaborative response is used to protect the internally displaced, UNHCR takes a lead to ensure that protection issues (including return of the internally displaced), camp co-ordination and emergency shelter issues are effectively addressed.



2.6 Returnees

UNHCR works to ensure that uprooted women, men, girls and boys can voluntarily return to their homes in safety and with dignity. Upon return, they and their families should have access to shelter, food, medical care, education, a livelihood, and the judicial system — just like any other citizen.

In many situations, UNHCR and its partners continue to work with returnees in their country of origins until they are successfully reintegrated into their communities.















Further Reading





Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.





Asylum-seekers and Refugees

-  *Refugees by numbers*, UNHCR, September 2004.
-  *Protecting Refugees: Questions and Answers*, UNHCR, October 2005.
-  *Self-Study Module 2: Refugee Status Determination. Identifying who is a Refugee*, UNHCR, 1 September 2005.
-  *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, UNHCR, second edition, January 1992.
-  *Guidelines on International Protection No. 1: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UNHCR, HCR/GIP/02/01 of 7 May 2002.
-  *Guidelines on International Protection No. 2: "Membership of a Particular Social group" within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UNHCR, HCR/GIP/02/02 of 7 May 2002.
-  *Guidelines on International Protection No. 3: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*, UNHCR, HCR/GIP/03/03 of 10 February 2003.
-  *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, UNHCR, HCR/GIP/03/04 of 23 July 2003.
-  *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, UNHCR, HCR/GIP/03/05 of 4 September 2003.
-  *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, UNHCR, HCR/GIP/04/06 of 28 April 2004.
-  *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked*, UNHCR, HCR/GIP/06/07 of 7 April 2006.
-  *Procedural Standards for Refugee Status Determination under UNHCR's Mandate*, UNHCR, 1 September 2005.

Stateless Persons

-  *The World's Stateless People: Questions and Answers* UNHCR, April 2004.
-  *Nationality and Statelessness: A Handbook for Parliamentarians*, Inter-Parliamentary Union and UNHCR, 2005.

The Internally Displaced

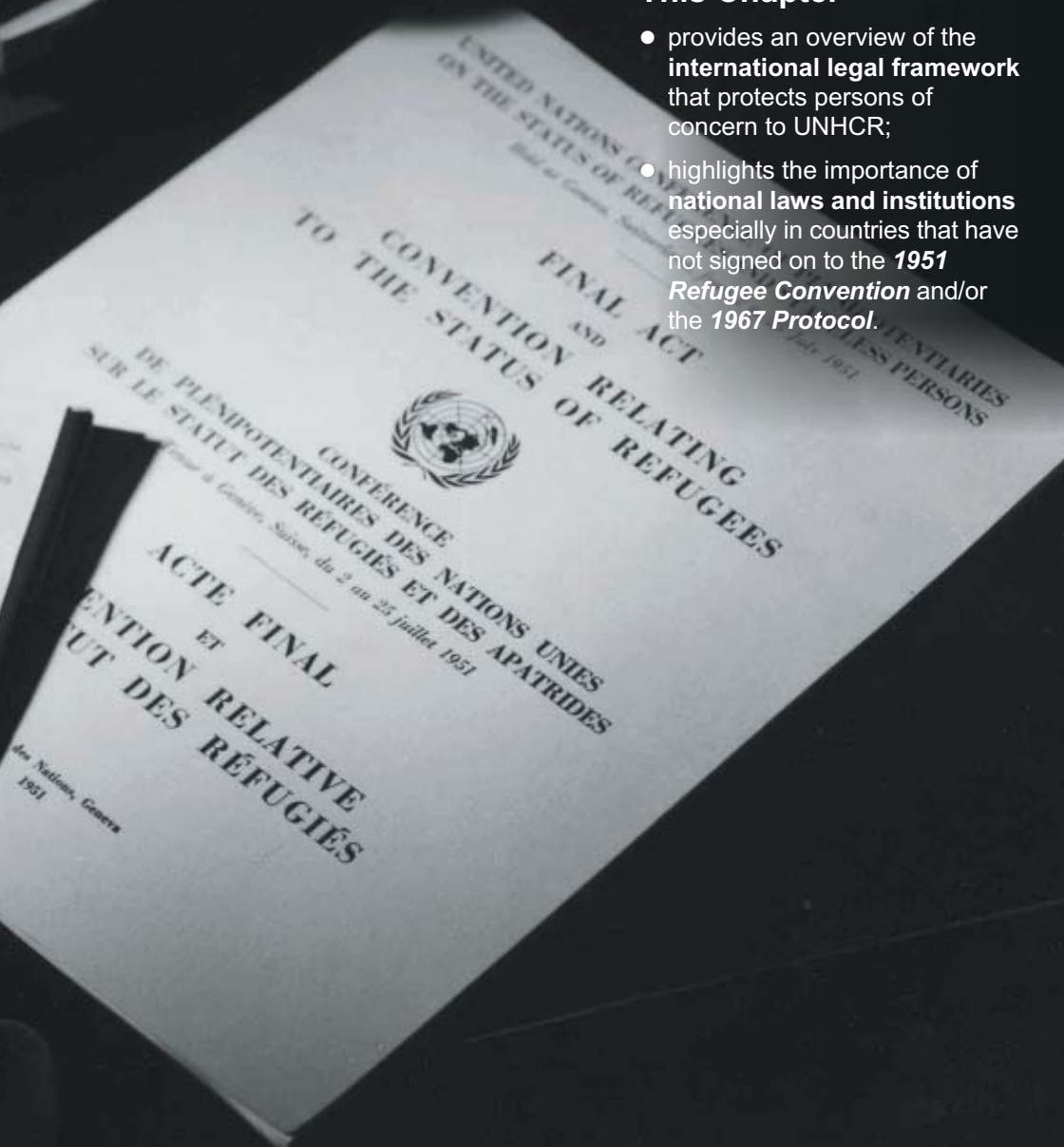
-  *Internally Displaced Persons: Questions and Answers*, UNHCR, September 2004.
-  *Guiding Principles on Internal Displacement*, United Nations, document E/CN.4/1998/53/Add.2 of 1998.
-  *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees*, EC/50/SC/INF.2 of 20 June 2000.
-  *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams*, Inter-Agency Standing Committee, September 2004.



Chapter 3: The Legal Framework

This Chapter

- provides an overview of the **international legal framework** that protects persons of concern to UNHCR;
- highlights the importance of **national laws and institutions** especially in countries that have not signed on to the **1951 Refugee Convention** and/or the **1967 Protocol**.



3.1 Introduction

Women, men, girls and boys of concern to UNHCR have often survived serious human rights violations. They may have been tortured, raped, arbitrarily detained sometimes not even recognised as citizens of any country. To ensure that their specific concerns are addressed and that they do not face any further human rights abuses, it is essential to understand the legal framework that can protect them. Understanding this framework also assists in ensuring that humanitarian operations are designed to improve the quality of protection available to them.



International and national laws provide the basis for all activities undertaken by countries and humanitarian agencies to protect such persons. The main sources of these laws addressed in this chapter are:

- international refugee law
- international human rights law
- international humanitarian law
- national laws

3.2 International Refugee Law

The **Convention relating to the Status of Refugees** of 28 July 1951 sets out the principles upon which the regime of international protection for refugees is built. It established the main rights and obligations of refugees as well as the treatment to which they are entitled by the country of asylum.

In 1967, the Convention was strengthened by a **Protocol** that made the provisions of the 1951 treaty applicable to a broader range of refugee situations. The *1967 Protocol* removes the geographic and time limitations written into the *1951 Refugee Convention* which had effectively limited the scope of international refugee protection to refugees in Europe in the aftermath of the Second World War.



3.2.1 The 1951 Refugee Convention

The *1951 Refugee Convention* and its *1967 Protocol* contain the following basic protection principles:

- Refugees should not be returned to a country where their life or freedom would be threatened. This is the principle of **non-refoulement**. (See Chapter 4 for more information on *non-refoulement*).
- Refugees can, subject to certain guarantees, only be expelled from a country of asylum if their presence is a **serious threat to national security or public order**.
- There should be **no discrimination** in the protection offered to women, men, girls and boys because of their race, religion, nationality or gender.
- Refugees should **not be penalised for entering or being present in a country illegally** as long as they make their presence known to the authorities without delay.
- Refugees are **required to conform to the laws and regulations** in the country of asylum.
- Since **protecting refugees is a humanitarian activity**, it should not become a cause of tension between countries.
- **Governments should cooperate with UNHCR** in protecting refugees.
- **International co-operation is essential** for finding solutions to the problems of refugees.

The *1951 Refugee Convention* also addresses the issues of refugees' right to documentation, access to work, public education, access to the courts, freedom of movement, freedom to practice their religion, among other concerns.



3.2.2 Regional protection instruments

The 1969 **OAU Convention Governing the Specific Aspects of Refugee Problems in Africa** and the 1984 **Cartagena Declaration** are two regional instruments that focus on refugee protection.

International refugee law does not address all problems relating to the protection of refugees. However, international refugee law, together with human rights law and international humanitarian law, provide a comprehensive framework to protection persons of concern to UNHCR, including the internally displaced.



3.3 International Human Rights Law

Human rights and the protection of uprooted people are linked in a number of ways. An understanding of human rights is therefore essential to fully grasp UNHCR's protection mandate.

- International human rights law is the basis for refugee law. **Article 14 of the Universal Declaration of Human Rights** of 10 December 1948 provides that *all persons should have the right to seek and to enjoy asylum from persecution in other countries*. The Universal Declaration of Human Rights is a not a binding legal text. However, over time, some of its provisions have acquired the status of customary international law binding on all countries. Many of its provisions have been incorporated into binding international and regional human rights instruments as well as national laws and constitutions.

- Serious human rights violations, such as arbitrary detention, sexual or physical violence, and torture are often the cause for people to flee their homes. **Respecting human rights is important for preventing and resolving situations of forced displacement.**
- **International human rights apply to all persons, including those who are uprooted in their own country as well as in another country.** They are entitled to be treated in accordance with international human rights standards to ensure that they are safe from physical violence and have access to, among other things, medical treatment and education, during displacement. In situations of internal displacement, the use of human rights instruments is particularly important given that there is no international legal instrument concerning the protection of the internally displaced.
- **International human rights law also complements international protection**, particularly with regard to the treatment to which uprooted people are entitled. These instruments provide specific regulations for the treatment of women, men, girls and boys. Many of UNHCR's protection guidelines draw upon the standards established by international human rights law. These guidelines provide practical advice on how to apply human rights standards to benefit persons of concern to UNHCR.



3.3.1 Human rights and the protection of women and girls

International human rights law provides a framework for the protection of all persons — women, men, girls, and boys. However, national laws and practices often discriminate against women and girls. For instance, women and girls may face more difficulties in receiving an education, getting a job, receiving proper medical assistance, being able to vote, taking part in the political processes in a country or retaining or changing their nationality.

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** was adopted in 1979. It requires governments to, among other things, ensure that laws and socio-economic and cultural practices in their countries do not discriminate against women.



3.3.2 Human rights and the protection of children

Children — especially separated and unaccompanied children — have specific rights in addition to the universal rights enjoyed by all. Their best interests must be taken into consideration at all times. Their right to participate in decisions that affect them must always be respected and they should not be discriminated against at any time. It is also important to note that girls and boys may have different concerns.

The **Convention on the Rights of the Child (CRC)**, adopted in 1989, establishes the standards of protection and assistance that children deserve. It is the most widely ratified international convention in the world.

Box D



The United Nations Children's Fund (UNICEF)

Children constitute about 50% of the refugees, the internally displaced and others of concern to UNHCR. UNICEF works closely with UNHCR to ensure that these children are protected against violence, exploitation, abuse and neglect by raising awareness and enhancing capacities at various levels of society and in the government. Like UNHCR, UNICEF works in a variety of settings from emergencies and areas affected by armed conflict to more stable operations.

Box E



The Office of the United Nations High Commissioner for Human Rights (OHCHR)

OHCHR works on many fronts to ensure that human rights are respected. There are two main mechanisms established by the United Nations that OHCHR oversees to ensure that countries respect human rights:

- *Charter-based mechanisms* are constituted under the UN Charter to prevent and respond to human rights violations.
- *Treaty-based mechanisms* include the various UN committees constituted to monitor the implementation of the core international human rights instruments. They are created in accordance with the provisions of the specific core human rights instrument that they monitor.

These human rights mechanisms offer avenues to address the protection concerns of refugees and other uprooted persons. UNHCR works closely with OHCHR to maximise the protection potential that these mechanisms offer.

3.4 International Humanitarian Law (IHL)

IHL seeks to limit the effects of armed conflict. It defines the means and methods of warfare and protects persons who have not or are no longer participating in hostilities. The most important sources of contemporary international humanitarian law are the four Geneva Conventions of 12 August 1949 and the two Additional Protocols of 8 June 1977.

IHL aims to protect all civilians, including refugees and the internally displaced caught up in armed conflict. Among other things, it ensures that refugees are not discriminated against or sent back to their countries against their will (*refouled*). It also prohibits the warring factions from forcibly displacing civilians.

IHL helps to establish the definition of a war crime. The *1951 Refugee Convention* excludes people who have committed war crimes from international refugee protection. IHL also assists in interpreting other terms such as ‘generalised violence’, ‘internal conflicts’, ‘external aggression’ and ‘circumstances that have seriously disturbed public order’ that are used by regional instruments in protecting refugees.

Box F



International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organisation whose mission is to protect and assist victims of war and internal violence. It does so through a number of activities, including overseeing the application of international humanitarian law in situations of armed conflict.

ICRC assists refugees, the internally displaced and others of concern to UNHCR who are caught up in an armed conflict.



3.5 National laws

Applying the human rights and refugee-related laws of a country is an effective way to ensure that the rights of refugees are protected. In many countries, national laws incorporate principles of international protection and human rights, such as the right to life and liberty, freedom from torture, and the right not to be arbitrarily detained. These are enforced through interventions in the national courts.

National laws that protect the human rights of uprooted people are particularly important in countries that have not signed on to the *1951 Refugee Convention* or relevant international human rights instruments. In fact, they may be the only effective source of protection available to refugees and other persons of concern to UNHCR in such countries. It is worth noting, however, that national human rights and refugee laws may not always be in conformity with international human rights standards. This may result in women and children and other categories of persons being denied protection.








Further Reading










Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.







International Refugee Law

-  *The 1951 Refugee Convention: Questions and Answers*, UNHCR, July 2003.
-  *The Convention relating to the Status of Refugees* of 28 July 1951.
-  *The Protocol relating to the Status of Refugees* of 31 January 1967.
-  *The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* of 10 September 1969.
-  *The Cartagena Declaration on Refugees* of 19-22 November 1984.

International Human Rights

-  *Questions and Answers on International Human Rights, Humanitarian and Refugee Law*, Inter-Agency Standing Committee paper.
-  *Universal Declaration of Human Rights* of 10 December 1948.
-  *The Convention on the Rights of the Child* of 20 November 1989.
-  *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* of 25 May 2000.
-  *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* of 25 May 2000.
-  *The Convention on the Elimination of All Forms of Discrimination against Women* of 18 December 1979.
-  *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* of 6 October 1999.

International Humanitarian Law

-  *Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* of 12 August 1949.
-  *Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea* of 12 August 1949.
-  *Convention (III) relative to the Treatment of Prisoners of War* of 12 August 1949.
-  *Convention (IV) relative to the Protection of Civilian Persons in Time of War* of 12 August 1949.
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UNHCR & **International Protection**
A Protection Induction Programme



Chapter 4: Access to Asylum, Registration and Quality Protection

This Chapter

- stresses the importance of ensuring that asylum-seekers have **access to safety**;
- elaborates the principle of ***non-refoulement***;
- emphasises the importance of effective and individual **registration**;
- outlines some of the **standards** that ensure that persons of concern to UNHCR are properly protected.



4.1 Introduction

Women, men, girls and boys fleeing persecution often face great difficulty in gaining access to safety. They are often traumatised by the crisis that forced them to flee; safe areas may be across an international border, hundreds of miles away; they may be ill or injured; boys and girls may become separated from their parents and at risk of being exploited or physically abused.

Many people fleeing persecution do not have proper identification or travel documents, making it difficult for them to leave their home country and enter another country that can offer safety. Often, in trying to reach a safe country, they are forced to rely on smugglers or traffickers that may place them in even greater danger.



4.2 Access to safety and the principle of *non-refoulement*

Asylum-seekers should be admitted to a safe country even if they do not have proper documentation and/or have to enter the country illegally.

All countries must also respect the principle of *non-refoulement* which includes:

- Not returning asylum-seekers or refugees to a place where their life or liberty would be at risk;
- Not preventing asylum seekers or refugees — even if they are being smuggled or trafficked — from seeking safety in a country, as there is a chance of them being returned to a country where their life or liberty would be at risk;
- Not denying access to their territory to people fleeing persecution and who have arrived at their border (access to asylum).

The principle of *non-refoulement* is often referred to as the cornerstone of international protection. There are very few exceptions to this principle that are provided for by the *1951 Refugee Convention*.

The principle of *non-refoulement* as enshrined in the *1951 Refugee Convention* has acquired the status of customary international law. This means that, over time, this principle has become binding on all States, including those which have not yet become party to the *1951 Refugee Convention*. *Non-refoulement* obligations also exist under international and regional human rights instruments.



4.3 Individual registration

Once they access safety, uprooted people of all ages should be registered individually as soon as possible. **Individual registration of all women, men, girls and boys** is an important protection tool that ensures that:

- the situation of the asylum-seeker, refugee or the internally displaced is monitored;
- asylum-seekers and refugees are protected against *refoulement*;
- all uprooted people have equal access to assistance;
- family reunification is facilitated;
- persons who are at risk and/or who have specific needs are identified and supported; and
- refugees can access a durable solution in a timely manner.

Information on persons of concern to UNHCR should remain up-to-date and individual identity documents should be issued as soon as possible in order to protect persons effectively.

Registration of refugees and asylum-seekers is the responsibility of the country of asylum. UNHCR and its partners assist with registration upon the request of the government.



4.4 Providing quality protection

Refugees and other persons of concern should be able to live in an environment that promotes safety, dignity, and self-sufficiency when they are uprooted. UNHCR and other humanitarian agencies need to advocate for and work directly with persons of concern to ensure that each individual receives quality protection.

4.4.1 Legal safety

The laws should equally protect all uprooted women, men, girls and boys. They should not be discriminated against, for example, in being issued individual documentation or receiving the protection of the police and the legal system.

4.4.2 Physical safety

All persons have a right to life, liberty and security. They need to be protected, for instance, against sexual and other violence inside and outside the family, arbitrary detention, and *refoulement*.

4.4.3 Material safety

All persons of concern to UNHCR should have equal access to basic goods and services. They have a right to live in healthy and stable conditions. They also have a right to housing, potable water, education, medical assistance and a livelihood.



4.4.4 Religious and cultural safety

Refugees and other persons of concern to UNHCR should have the freedom to practice their religion. Their cultural norms should be respected at all times as long as they are not considered harmful by international standards. Female genital mutilation, early or forced marriage, female infanticide, and denial of education to either boys or girls are some unacceptable practices.



4.4.5 A timely and durable solution

Quality protection cannot be achieved without ensuring that all persons of concern to UNHCR have equal and timely access to a solution to their problem of displacement. This will be discussed in more detail in Chapter 7.






Further Reading





Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.






Access and Non-Refoulement

-  *Asylum Processes (Fair and Efficient Asylum Procedures)*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/12, 31 May 2001.
-  *Reception of Asylum-Seekers, Including Standards of Treatment, in the context of Individual Asylum Systems*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/17, 4 September 2001.
-  *Summary Conclusions – The Principle of Non-Refoulement*, Global Consultations on International Protection, Cambridge Roundtable 9-10 July 2001.

Registration

-  *Practical Aspects of Physical and Legal Protection with regard to Registration*, Global Consultations on International Protection, First Meeting, document EC/GC/01/6, 19 February 2001.
-  *UNHCR Handbook on Registration* – provisional release September 2003.

Quality of Protection

-  *Protection of Refugees in mass influx situations: Overall protection framework*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/4, 19 February 2001.
-  *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, UNHCR, July 2002.
-  *Emergency Handbook*, UNHCR, 2001.
-  *Practical Guide to the Systematic Use of Standards and Indicators in UNHCR Operations*, UNHCR, 2nd ed, February 2006.
-  *Operational Protection in Camps and Settlements: A reference guide to good practices in the protection of refugees and others of concern to UNHCR*, UNHCR 2006.



Chapter 5: Partnerships with uprooted women, men, girls and boys

This Chapter

- emphasises the importance of **partnership with and participation by** all refugees and others of concern to UNHCR to ensure their protection.



5.1 Introduction

Forced displacement affects women, men, girls and boys differently. It often leads to drastic changes in their roles within the family and within the community. For instance, the responsibility of caring for children, working outside the home, going to school, attending meetings and representing the community may change within uprooted families and communities.

Protection requires an understanding of how roles have changed and who in the family and community controls resources and makes decisions. It means understanding the protection risks people are facing and their proposed solutions.



5.2 Understanding and reducing protection risks

5.2.1 Identifying and reducing protection risks

Decisions that are made by humanitarian workers without meaningful participation of the community often do not address the root causes of the problem or take into account cultural and other issues of importance. As a result, such decisions may increase the risks that individuals and the community face.

Women, men, girls and boys of concern to UNHCR are best placed to know what risks they face and how they can be properly addressed. It is essential that they are continuously involved in identifying their protection risks, jointly finding solutions, taking decisions and evaluating the results of any action. They are key partners in UNHCR's work and their participation is the first step towards real partnership.



5.2.2 Empowering women and men of all ages

Participation enables individual community members to use their skills and knowledge and builds a shared sense of responsibility. In most societies women and girls have traditionally been discriminated against. Therefore, UNHCR and other humanitarian agencies need to take appropriate actions to support refugee women and girls to promote their participation and enjoyment of rights to achieve gender equality. The experience and knowledge of older persons, as well as the vision and expectations of the youth — both girls and boys — must also be recognised.

Participation in decision making enables women, men, girls and boys of diverse backgrounds to regain their dignity and self-esteem. It facilitates a community-based approach to building solutions. It also reduces dependency on humanitarian aid and the authority that aid-workers may exercise over them. This helps to prevent exposure to sexual exploitation and abuse.

5.2.3 Mainstreaming age, gender and diversity

Participation by women and men of all ages from different ethnic groups, religions, and backgrounds, including persons with disabilities, is the first step towards ensuring quality protection — that is the equal access to and the enjoyment of human rights in accordance with international law.



Box G










Mainstreaming age, gender and diversity

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

Further Reading



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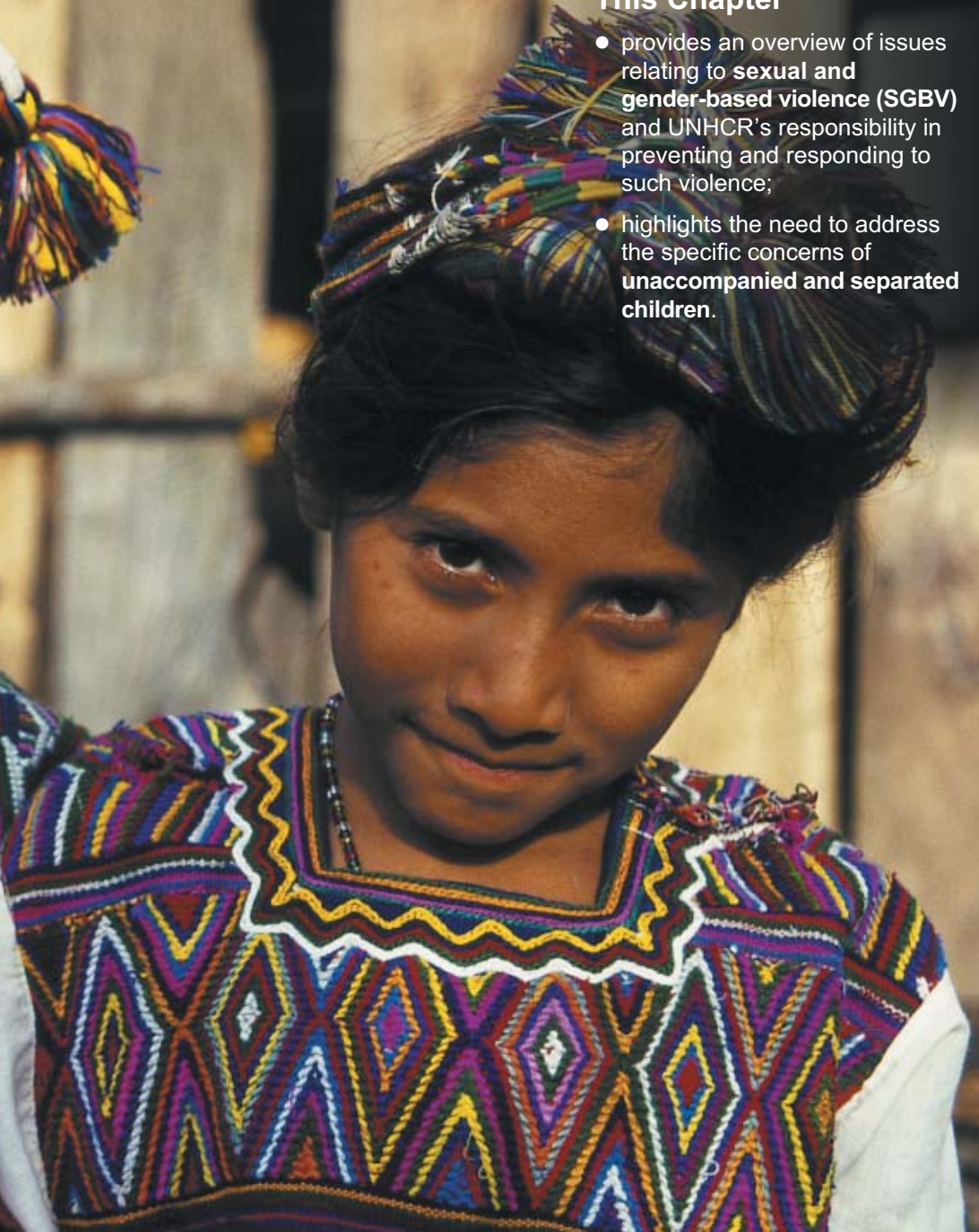
-  *Community Development Policy*, UNHCR, 1999.
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-  *A Practical Guide to Empowerment*, UNHCR, 2001.
-  *Building Partnership Through Equality*, UNHCR, 2000.
-  *A Framework for People-Oriented Planning in Refugee Situations: Taking Account of Women, Men and Children*, UNHCR, 1994.
-  *UNHCR Tool for Participatory Assessment in Operations*, UNHCR, 2005.



Chapter 6: SGBV; Unaccompanied and Separated Children

This Chapter

- provides an overview of issues relating to **sexual and gender-based violence (SGBV)** and UNHCR's responsibility in preventing and responding to such violence;
- highlights the need to address the specific concerns of **unaccompanied and separated children**.



6.1 Introduction

Uprooted people face a range of problems at each phase of their quest to obtain protection: during flight, during their time in exile, and upon returning home. Two acute problems that are of concern to humanitarian workers and the uprooted community, and that this chapter addresses are:

- preventing and responding to sexual and gender-based violence and
- protecting unaccompanied and separated children



6.2 Sexual and gender-based violence

Sexual and gender-based violence (SGBV) refers to a range of actions by which an individual is exploited because of her/his sex or gender. This includes physical, emotional, psychological and socio-economic abuse such as rape, female genital mutilation, domestic violence, forced marriage, exploitation, threats, confiscation of money or identity cards, and restrictions on freedom of movement and liberty.

Anyone of any age can be subject to such violence, but women and girls are the main targets. This violence may take place at any time: during conflict, while fleeing persecution, when living in exile or even after returning home. Boys can also be survivors of sexual abuse. This is largely under-recognised, under-reported and under-treated due to cultural restrictions, extreme shame and myths or taboos concerning homosexuality.

Persons subject to SGBV face long-term emotional and physical harm. Cultural traditions and feelings of shame may lead individuals to conceal what has happened, even from their families. SGBV is damaging to families and entire communities and can result in unwanted pregnancies and/or HIV infection. In some communities, those who have been sexually abused or raped are ostracised and punished rather than being supported, cared for and protected. This is particularly distressing for young girls who are affected by the consequences of sexual violence — such as forced marriage, polygamy, female genital mutilation, and trafficking — for their whole lives.



6.2.1 SGBV and displacement

SGBV often occurs in situations where people can abuse the power they exercise over others, such as:

- *when people are caught in armed conflict*: rape and other forms of sexual abuse are widely used as weapons of war to humiliate the enemy;
- *when people flee persecution and armed conflict*: refugees and the internally displaced are at risk of sexual abuse or rape during flight when they are smuggled or trafficked. Because uprooted people often do not have identity documents, money, or access to justice, those with authority may take advantage of their situation and exploit them;
- *in the family and the community*: rape, including within marriage, forced early marriage, sexual abuse, female genital mutilation (FGM), sexual harassment, trafficking of women, and forced prostitution are some types of SGBV that can occur in a family or in the community;
- *in the daily lives of asylum-seekers, refugees, the internally displaced and returnees*: SGBV can occur in the workplace, at border check-points, in detention centres and prisons, in educational institutions, classrooms, health centres, places where assistance and/or documentation is provided, areas for firewood or water collection outside a camp, and at latrines located in poorly designed camp settings.

The perpetrators of sexual and gender-based violence are mainly men who use violence to assert or maintain their privileges, power, and control over others. Generally, the perpetrators have no regard for the rights of women and children and resort to violence and abuse to show “who is in charge”.



Box H



Preventing SGBV

- Talk with women, men, girls and boys to understand the community's culture, family norms, and their attitudes towards each other.
- Identify areas where violence can easily occur within the community, for example, during firewood collection, walking to school, in school or late-night social events.
- Work with the persons of concern, host communities, health organisations, police, legal services, NGOs, and government officials to find ways to prevent violence.
- Raise awareness among women, men, girls and boys on their rights and responsibilities.

Box I



Responding to the needs of survivors

Survivors of SGBV usually need one or more of the following responses:

- **Medical attention:** A survivor of rape needs to see a doctor within 72 hours to receive treatment, which may include prevention of unwanted pregnancy and HIV infection.
- **Psycho-social support:** A survivor may be traumatised and will require emotional and social support, which includes a non-blaming and supportive attitude from the immediate family.
- **Legal counselling:** Most forms of SGBV are punishable crimes under relevant national law. If a survivor wishes, s/he should be supported in reporting the case to the police and prosecuting the perpetrator(s).
- **Physical security:** Survivors may be threatened with retaliation for reporting cases and therefore need a safe place to stay. In some situations, resettling them to another country is one way of protecting them.

Box J



Whenever assisting survivors of SGBV:

- always respect the confidentiality of the survivor.
- always let the person decide what s/he wishes to do.

Box K



No UNHCR staff member or partner is permitted to engage in any form of abuse or sexual exploitation as explained in UNHCR's *Code of Conduct* and in the *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*.

UNHCR's *Code of Conduct* states:

Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern.

I undertake not to abuse the power and influence that I have by virtue of my position over the lives and wellbeing of refugees and other persons of concern. I will never request any service or favour from refugees or other persons of concern in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with refugees or other persons of concern.

Should I find myself in such a relationship with a beneficiary that I consider non-exploitative and consensual, I will report this to my supervisor for appropriate guidance in the knowledge that this matter will be treated with due discretion. I understand that both my supervisor and I have available to us normal consultative and recourse mechanisms on these issues.

I will act responsibly when hiring or otherwise engaging refugees or other persons of concern for private services. I will report in writing on the nature and conditions of this employment to my supervisor.

6.3 Unaccompanied and separated children

Families are easily and often separated when fleeing war, violence and persecution. Girls and boys who have lost all that is familiar to them — their home, families, friends and stability — are at risk of being abused and exploited and even their very survival may be threatened. For instance, they may be trafficked and forced into prostitution or they may be forcibly recruited into armed groups where they would be obliged to perform such acts as combat, portering, or as messengers or 'wives' of soldiers.

They also face a greater risk of detention, child labour or lack of access to education and basic assistance. This is why unaccompanied and separated children need to be given special attention.

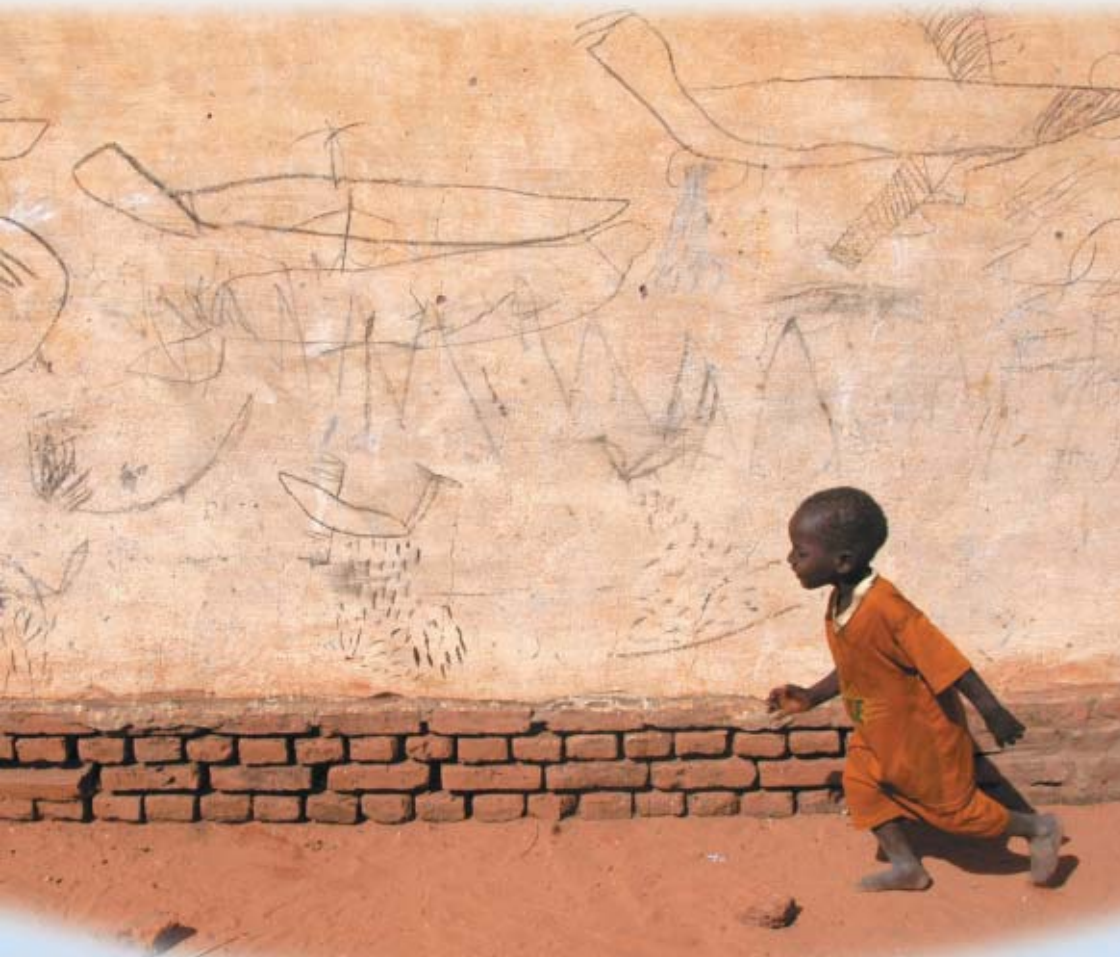
Box L



Unaccompanied children: Children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Separated children: Children who are separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other family members.

Orphans: Children both of whose parents are known to be dead. In some countries, a child who has lost one parent is called an orphan.



6.3.1 Identification, registration, documentation, tracing and family reunification

At all times, UNHCR and its partners should ensure that:

- unaccompanied and separated girls and boys are identified as early as possible — when they enter the country or even when they are in the camps;
- all children — including unaccompanied and separated children - should be individually registered and provided with individual documentation;
- information that will help to meet the specific needs of the child, including tracing, and to make plans for the future is recorded;
- family members should be traced as soon as possible.



6.3.2 Providing a safe and caring environment

During the time they remain separated from their families, children must be able to live in a safe environment where they are properly cared for. Interim care may include fostering, other forms of community-based care, or as a last resort, institutional care, which should provide them with the emotional and physical care that their parents would normally provide them. This environment should also ensure that their health and educational needs are addressed. They may even need counselling to deal with the trauma that they have faced.

It is important that siblings remain together and that specific attention is given to child-headed households, which are at a heightened risk of discrimination, exploitation and abuse.

UNHCR and its partners should carefully and continuously monitor these care arrangements to ensure that the best interests of the child are respected.

6.3.3 Best interests determination

In all actions regarding children of concern to UNHCR, their best interests should be a primary consideration at all steps of the displacement cycle.

The identification of the best interests of unaccompanied and separated children requires particular attention and must be an ongoing process — from the identification of unaccompanied and separated children through the implementation of a durable solution for them (*best interests assessment*) as well as specific actions for which higher procedural safeguards are required (*formal best interests determination*).

Box M



The importance of *Best Interests Determination*

A formal ‘best interests determination’ is required in making:

- decisions to identify durable solutions for unaccompanied and separated children who have been uprooted;
- decisions on temporary care arrangements for unaccompanied and separated children — especially in emergency and complex operations;
- decisions that may involve the separation of the child from parents against their will, e.g. in cases of child abuse, including sexual abuse.



Box N



The Triangle of Rights

There are three fundamental child rights that form the basis for all other rights that children possess and that reinforce each other to ensure their survival and development.

- **Best Interests:** In all actions concerning children, their best interests should be a primary consideration.
- **Non-discrimination:** No child should be discriminated against because of her/his nationality, ethnicity, social origin or any other status.
- **Participation:** Children should participate in every decision that affects them. They should participate in the family, the community and in other forums that affect them.

Box O



UNHCR's Five Priorities for Girls and Boys

- Preventing the **separation of children** from their families and caregivers; responding effectively to protect children who have been separated and reuniting them with their families;
- Protecting boys and girls from **sexual exploitation, abuse and violence**;
- Preventing girls and boys from **recruitment into armed groups or forces**; **disarmament, demobilisation and reintegration programmes for girls and boys**;
- Ensuring that girls and boys of all ages have equal access to **quality education** in a safe environment;
- Ensuring that the **specific concerns of adolescents** are addressed.





Further Reading









Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.





General

-  *The UNHCR Code of Conduct.*
-  *Special Measures for Protection from Sexual Exploitation and Sexual Abuse, Secretary-General's Bulletin, ST/SGB/2003/13 of 9 October 2003.*


Children

-  *Refugee Children, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/9, 25 April 2002.*
-  *Refugee Children: Guidelines on Protection and Care, UNHCR, 1994.*
-  *Inter-Agency Guiding Principles on Unaccompanied and Separated Children, ICRC, IRC, Save the Children, UNHCR, UNICEF, WVI, 2004.*
-  *Policy on Refugee Children, UNHCR, EC/SCP/82 of October 1993.*
-  *Summary Note on UNHCR's Strategy and Activities for Children of Concern to UNHCR, UNHCR, revised 2005.*
-  *Refugee Teenagers, UNHCR, 1999.*


Women

-  *Refugee Women, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/8, 25 April 2002.*
-  *Five Commitments to Refugee Women, UNHCR, 2001.*
-  *Policy on Refugee Women, UNHCR, 1990.*
-  *UNHCR Guidelines on the Protection of Refugee Women, UNHCR 1991.*

Older Persons

-  *Policy on Older Refugees, UNHCR, 2000.*

SGBV

-  *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response, UNHCR, May 2003.*



Chapter 7: Timely and Durable Solutions

This Chapter

- emphasises the need to find **timely and durable solutions** for all refugees and other persons of concern;
- provides an overview of the three major durable solutions available to refugees: **voluntary repatriation, local integration and resettlement**;
- highlights the role of UNHCR, countries, and other partners in ensuring that these solutions are available to all refugees.



7.1 Introduction

A **durable solution** is one that ends the problems associated with displacement and allows people to resume their normal lives in a safe environment. The international community has a shared responsibility to find lasting solutions for uprooted persons. Assisting them with this task is one of UNHCR's most important functions.

Women, men, girls and boys of all ages and backgrounds — not just community leaders — must be consulted and encouraged to participate in the process of finding the most appropriate durable solutions.

The three traditional durable solutions — voluntary repatriation, resettlement and local integration — complement each other. A combination of all three used at the same time may answer the needs of a particular community effectively.



Box P



The Three Traditional Durable Solutions

- **Voluntary repatriation** occurs when uprooted people return to their homes after making a free and informed decision to do so.
- **Resettlement** occurs when refugees are offered and take up permanent admission in a third safe country to rebuild their lives.
- **Local integration** occurs when refugees rebuild their lives in the countries where they sought asylum.

7.2 Voluntary repatriation

Most refugees return home as soon as circumstances permit, generally when a conflict has ended, a degree of stability has been restored, and basic infrastructure is being rebuilt.

The return of refugees must be **voluntary** — free of physical, psychological or material coercion to return. It must also take place in conditions of **safety** and with **dignity**. Each individual — even individual members of a family — should be allowed to make this choice.

Refugees must be provided with accurate information about the prevailing situation in their home country so that they can make an informed decision about if and when to return. This information should be provided in a manner that will make it easier for them to make a decision.

Specific needs of individual persons — such as unaccompanied and separated children, the disabled, single parents or survivors of torture and trauma — should be carefully considered and addressed in the context of repatriation.



Box Q



The concept of **safety** consists of three key elements:

- **physical safety:** such as freedom from the risk of persecution, unlawful detention, discriminatory treatment, and sexual violence – including domestic violence – and other forms of exploitation.
- **legal safety:** legal systems are in place to deliver justice, and there are no legal barriers preventing people from returning to and reintegrating into their countries, and where they will be given a legal status. Marriages, births and education that took place in the country of asylum should be recognised by their country upon their return. They should also not be discriminated for any reason because they left their country.
- **material safety:** returnees have access to a means of livelihood and basic services, such as potable water, sanitation facilities, health care, and education.

Dignity implies that the human rights of the individual, including the right to life, liberty, freedom of movement, and the unity of the family, are respected at all times.

Box R



UNHCR's involvement in voluntary repatriation

- UNHCR and its partners can **promote** voluntary repatriation when conditions in the country of origin are considered safe and stable. To encourage repatriation, UNHCR and its partners usually provide reintegration assistance to returnees.
- When conditions are not completely safe, but people still wish to return home, UNHCR and its partners may **facilitate** their voluntary repatriation.
- Uprooted people may also return home with little or no support from UNHCR and its partners. This is known as a **spontaneous** return. In such circumstances, UNHCR tries to monitor their return and also tries to ensure that they have access to assistance.

7.2.1 Ensuring a successful repatriation

To ensure that uprooted people can return home and live in safety and in dignity, UNHCR monitors the repatriation and reintegration processes to the greatest extent possible. Returnee monitoring is a crucial activity that assists in ensuring the long-term sustainability of return.

UNHCR, its partners and development agencies assist countries in ensuring that returning refugees have equal access to resources. These include food, land, housing, and such services as education, health care, potable water and sanitation. Over time, returnees should become self-reliant. Successful repatriation fosters economic, cultural, and social stability and reduces the risk of new conflicts erupting.

7.3 Resettlement

When returning home or remaining in the country of asylum is difficult or impossible, refugees can sometimes be granted lawful admission to a third safe country where they can enjoy permanent residence. This is known as resettlement.



Box S



Resettlement is:

- a **protection tool**, to provide a safer environment for refugees who face threats to their safety in the country of asylum;
- a timely and **durable solution**; and
- a **responsibility-sharing mechanism** to allow more countries to help protect refugees rather than just neighbouring countries that uprooted people can easily access.

Australia, Canada, Denmark, Finland, Ireland, Netherlands, New Zealand, Norway, Sweden, United Kingdom and United States have established resettlement programmes with a set number of places for UNHCR submissions each year. A number of other countries have also engaged in resettlement with a limited number of places for resettlement, including: Argentina, Benin, Brazil, Burkina Faso, Chile and Iceland.



7.3.1 Criteria for resettlement

Resettlement is an option that can be made available to a number of refugees. For instance, refugees whose human rights are not respected or are at risk of being violated can be considered for resettlement. For instance, individuals who are at risk of being *refouled*, or who are at risk of facing physical violence including sexual abuse can be resettled.

Survivors of violence and torture can also be considered for resettlement. Women, children and the elderly whose specific needs cannot be addressed

in the asylum country may also benefit from this solution. Resettlement can also help in facilitating family reunification. Those who do not have access to any other durable solution in a timely manner should also be considered for resettlement.

7.4 Local integration

Sometimes returning home is not a viable option. In such cases, refugees may be allowed to remain permanently in the country where they have found safety. They are encouraged to integrate into local communities and, over time, they may obtain permanent residency or citizenship and cease to be refugees.

The ability of refugees to gradually support themselves rather than depend on humanitarian assistance is important to ensure that they successfully integrate with their host community. To be **self-reliant**, they should have access to jobs, education, health care and other basic services. They must also be able to integrate socially and culturally within the local communities.

UNHCR and humanitarian and development agencies often support developing countries in setting up integration programmes.





Further Reading





Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.




General

-  *Framework for Durable Solutions for Refugees and Persons of Concern*, UNHCR, May 2003.
-  *UN Development Group (UNDG) Guidance Note on Durable Solutions for Displaced Persons (Refugees, Internally Displaced Persons and Returnees)*, UNDG October 2004 (IOM/080/2004-FOM/082/2004).





Repatriation and Reintegration

-  *Voluntary Repatriation Handbook*, UNHCR, 1996.
-  *Handbook for Repatriation and Reintegration Activities*, UNHCR, May 2004.

Resettlement

-  *Strengthening and Expanding Resettlement, Today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/7, 25 April 2002.
-  *Resettlement Handbook*, UNHCR, November 2004.
-  *Resettlement: A Guide to Reception and Integration*, UNHCR, September 2002.

Local Integration and Self-Reliance

-  *Voluntary Repatriation*, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/5, 25 April 2002.
-  *Local Integration*, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/6, 25 April 2002.
-  *Handbook for Planning and Implementing Development Assistance for Refugees (DAR)*, UNHCR, January 2005.
-  *Handbook for Self-Reliance*, UNHCR, February 2005.

Annex 1: Members of the Executive Committee of the High Commissioner's Programme

As of 1 June 2006, the Executive Committee consisted of 70 member States.

Algeria	Holy See	Poland
Argentina	Hungary	Portugal
Australia	India*	Republic of Korea
Austria	Iran (Islamic Republic of)	Romania
Bangladesh*	Ireland	Russian Federation
Belgium	Israel	Serbia and Montenegro
Brazil	Italy	Somalia
Canada	Japan	South Africa
Chile	Jordan*	Spain
China	Kenya	Sudan
Colombia	Lebanon*	Sweden
Côte d'Ivoire	Lesotho	Switzerland
Cyprus	Madagascar	Thailand*
Democratic Republic of the Congo	Mexico	Tunisia
Denmark	Morocco	Turkey
Ecuador	Mozambique	Uganda
Egypt	Namibia	United Kingdom
Ethiopia	Netherlands	United Republic of Tanzania
Finland	New Zealand	United States of America
France	Nicaragua	Venezuela
Germany	Nigeria	Yemen
Ghana	Norway	Zambia
Greece	Pakistan*	
Guinea	Philippines	

* Countries that are not Party to the *1951 Refugee Convention* or its *1967 Protocol*

Annex 2: States Parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol

As of 1 January 2006:

- The total number of States Parties to the *1951 Refugee Convention* was 143.
- The total number of States Parties to the *1967 Protocol* was also 143.
- States Parties to both the *1951 Refugee Convention* and the *1967 Protocol* was 140.
- Madagascar, Monaco, Saint Kitts and Nevis are States Parties to the *1951 Refugee Convention* only.
- Cape Verde, United States of America, Venezuela are States Parties to the *1967 Protocol* only.

Country	1951 Refugee Convention	1967 Protocol
Afghanistan	30 Aug 2005 a	30 Aug 2005 a
Albania	18 Aug 1992 a	18 Aug 1992 a
Algeria	21 Feb 1963 s	08 Nov 1967 a
Angola	23 Jun 1981 a	23 Jun 1981 a
Antigua and Barbuda	07 Sep 1995 a	07 Sep 1995 a
Argentina	15 Nov 1961 a	06 Dec 1967 a
Armenia	06 Jul 1993 a	06 Jul 1993 a
Australia	22 Jan 1954 a	13 Dec 1973 a
Austria	01 Nov 1954 r	05 Sep 1973 a
Azerbaijan	12 Feb 1993 a	12 Feb 1993 a
Bahamas	15 Sep 1993 a	15 Sep 1993 a
Belarus	23 Aug 2001 a	23 Aug 2001 a
Belgium	22 Jul 1953 r	08 Apr 1969 a
Belize	27 Jun 1990 a	27 Jun 1990 a
Benin	04 Apr 1962 s	06 Jul 1970 a
Bolivia	09 Feb 1982 a	09 Feb 1982 a
Bosnia and Herzegovina	01 Sep 1993 s	01 Sep 1993 s
Botswana	06 Jan 1969 a	06 Jan 1969 a
Brazil	16 Nov 1960 r	07 Apr 1972 a
Bulgaria	12 May 1993 a	12 May 1993 a
Burkina Faso	18 Jun 1980 a	18 Jun 1980 a
Burundi	19 Jul 1963 a	15 Mar 1971 a
Cambodia	15 Oct 1992 a	15 Oct 1992 a
Cameroon	23 Oct 1961 s	19 Sep 1967 a
Canada	04 Jun 1969 a	04 Jun 1969 a
Cape Verde		09 Jul 1987 a
Central African Republic	04 Sep 1962 s	30 Aug 1967 a
Chad	19 Aug 1981 a	19 Aug 1981 a

Country	1951 Refugee Convention	1967 Protocol
Chile	28 Jan 1972 a	27 Apr 1972 a
China	24 Sep 1982 a	24 Sep 1982 a
Colombia	10 Oct 1961 r	04 Mar 1980 a
Congo	15 Oct 1962 s	10 Jul 1970 a
Congo, Democratic Republic of	19 July 1965 a	13 Jan 1975 a
Costa Rica	28 Mar 1978 a	28 Mar 1978 a
Côte d'Ivoire	08 Dec 1961 s	16 Feb 1970 a
Croatia	12 Oct 1992 s	12 Oct 1992 s
Cyprus	16 May 1963 s	09 Jul 1968 a
Czech Republic	11 May 1993 s	11 May 1993 s
Denmark	04 Dec 1952 r	29 Jan 1968 a
Djibouti	09 Aug 1977 s	09 Aug 1977 s
Dominica	17 Feb 1994 a	17 Feb 1994 a
Dominican Republic	04 Jan 1978 a	04 Jan 1978 a
Ecuador	17 Aug 1955 a	06 Mar 1969 a
Egypt	22 May 1981 a	22 May 1981 a
El Salvador	28 Apr 1983 a	28 Apr 1983 a
Equatorial Guinea	07 Feb 1986 a	07 Feb 1986 a
Estonia	10 Apr 1997 a	10 Apr 1997 a
Ethiopia	10 Nov 1969 a	10 Nov 1969 a
Fiji	12 Jun 1972 s	12 Jun 1972 s
Finland	10 Oct 1968 a	10 Oct 1968 a
France	23 Jun 1954 r	03 Feb 1971 a
Gabon	27 Apr 1964 a	28 Aug 1973 a
Gambia	07 Sep 1966 s	29 Sep 1967 a
Georgia	09 Aug 1999 a	09 Aug 1999 a
Germany	01 Dec 1953 r	05 Nov 1969 a
Ghana	18 Mar 1963 a	30 Aug 1968 a
Greece	05 Apr 1960 r	07 Aug 1968 a
Guatemala	22 Sep 1983 a	22 Sep 1983 a
Guinea	28 Dec 1965 s	16 May 1968 a
Guinea-Bissau	11 Feb 1976 a	11 Feb 1976 a
Haiti	25 Sep 1984 a	25 Sep 1984 a
Holy See	15 Mar 1956 r	08 Jun 1967 a
Honduras	23 Mar 1992 a	23 Mar 1992 a
Hungary	14 Mar 1989 a	14 Mar 1989 a
Iceland	30 Nov 1955 a	26 Apr 1968 a
Iran, Islamic Republic of	28 Jul 1976 a	28 Jul 1976 a
Ireland	29 Nov 1956 a	06 Nov 1968 a
Israel	01 Oct 1954 r	14 Jun 1968 a
Italy	15 Nov 1954 r	26 Jan 1972 a
Jamaica	30 Jul 1964 s	30 Oct 1980 a
Japan	03 Oct 1981 a	01 Jan 1982 a
Kazakhstan	15 Jan 1999 a	15 Jan 1999 a

Country	1951 Refugee Convention	1967 Protocol
Kenya	16 May 1966 a	13 Nov 1981 a
Kyrgyzstan	08 Oct 1996 a	08 Oct 1996 a
Korea, Republic of	03 Dec 1992 a	03 Dec 1992 a
Latvia	31 Jul 1997 a	31 Jul 1997 a
Lesotho	14 May 1981 a	14 May 1981 a
Liberia	15 Oct 1964 a	27 Feb 1980 a
Liechtenstein	08 Mar 1957 r	20 May 1968 a
Lithuania	28 Apr 1997 a	28 Apr 1997 a
Luxembourg	23 Jul 1953 r	22 Apr 1971 a
Macedonia, The Former Yugoslav Republic of	18 Jan 1994 s	18 Jan 1994 s
Madagascar	18 Dec 1967 a	
Malawi	10 Dec 1987 a	10 Dec 1987 a
Mali	02 Feb 1973 s	02 Feb 1973 a
Malta	17 Jun 1971 a	15 Sep 1971 a
Mauritania	05 May 1987 a	05 May 1987 a
Mexico	07 June 2000 a	07 June 2000 a
Moldova, Republic of	31 Jan 2002 a	31 Jan 2002 a
Monaco	18 May 1954 a	
Morocco	07 Nov 1956 s	20 Apr 1971 a
Mozambique	16 Dec 1983 a	01 May 1989 a
Namibia	17 Feb 1995 a	17 Feb 1995 a
Netherlands	03 May 1956 r	29 Nov 1968 a
New Zealand	30 Jun 1960 a	06 Aug 1973 a
Nicaragua	28 Mar 1980 a	28 Mar 1980 a
Niger	25 Aug 1961 s	02 Feb 1970 a
Nigeria	23 Oct 1967 a	02 May 1968 a
Norway	23 Mar 1953 r	28 Nov 1967 a
Panama	02 Aug 1978 a	02 Aug 1978 a
Papua New Guinea	17 Jul 1986 a	17 Jul 1986 a
Paraguay	01 Apr 1970 a	01 Apr 1970 a
Peru	21 Dec 1964 a	15 Sep 1983 a
Philippines	22 Jul 1981 a	22 Jul 1981 a
Poland	27 Sep 1991 a	27 Sep 1991 a
Portugal	22 Dec 1960 a	13 Jul 1976 a
Romania	07 Aug 1991 a	07 Aug 1991 a
Russian Federation	02 Feb 1993 a	02 Feb 1993 a
Rwanda	03 Jan 1980 a	03 Jan 1980 a
Saint Kitts and Nevis	01 Feb 2002 a	
Saint Vincent and the Grenadines	03 Nov 1993 a	03 Nov 2003 a
Samoa	21 Sep 1988 a	29 Nov 1994 a
Sao Tome and Principe	01 Feb 1978 a	01 Feb 1978 a
Senegal	02 May 1963 s	03 Oct 1967 a
Serbia and Montenegro	12 Mar 2001 s	12 Mar 2001 s
Seychelles	23 Apr 1980 a	23 Apr 1980 a
Sierra Leone	22 May 1981 a	22 May 1981 a

Country	1951 Refugee Convention	1967 Protocol
Slovakia	04 Feb 1993 s	04 Feb 1993 s
Slovenia	06 Jul 1992 s	06 Jul 1992 s
Solomon Islands	28 Feb 1995 a	12 Apr 1995 a
Somalia	10 Oct 1978 a	10 Oct 1978 a
South Africa	12 Jan 1996 a	12 Jan 1996 a
Spain	14 Aug 1978 a	14 Aug 1978 a
Sudan	22 Feb 1974 a	23 May 1974 a
Suriname	29 Nov 1978 s	29 Nov 1978 s
Swaziland	14 Feb 2000 a	28 Jan 1969 a
Sweden	26 Oct 1954 r	04 Oct 1967 a
Switzerland	21 Jan 1955 r	20 May 1968 a
Tajikistan	07 Dec 1993 a	07 Dec 1993 a
Tanzania, United Republic of	12 May 1964 a	04 Sep 1968 a
Timor-Leste	07 May 2003 a	07 May 2003 a
Togo	27 Feb 1962 s	01 Dec 1969 a
Trinidad and Tobago	10 Nov 2000 a	10 Nov 2000 a
Tunisia	24 Oct 1957 s	16 Oct 1968 a
Turkey	30 Mar 1962 r	31 Jul 1968 a
Turkmenistan	02 Mar 1998 a	2 Mar 1998 a
Tuvalu	07 Mar 1986 s	07 Mar 1986 s
Uganda	27 Sep 1976 a	27 Sep 1976 a
Ukraine	10 Jun 2002 a	04 Apr 2002 a
United Kingdom of Great Britain and Northern Ireland	11 Mar 1954 r	04 Sep 1968 a
United States of America		01 Nov 1968 a
Uruguay	22 Sep 1970 a	22 Sep 1970 a
Venezuela		19 Sep 1986 a
Yemen	18 Jan 1980 a	18 Jan 1980 a
Zambia	24 Sep 1969 s	24 Sep 1969 a
Zimbabwe	25 Aug 1981 a	25 Aug 1981 a

s: signature – By signing the *1951 Refugee Convention*, a State indicates its intention to "ratify" it (become a "party") at a later date. Signing the Convention does not bind the State to the terms of the Convention. However the State assumes an obligation of good faith to refrain from acts which would defeat the object and purpose of the Convention.

r: ratification - By ratifying the *1951 Refugee Convention* a State indicates its consent to be bound by it. To ratify the *1951 Refugee Convention* a State must deposit an *Instrument of Ratification* with the United Nations. Ratification grants States the necessary time-frame to seek the required approval for the treaty at the domestic level and to enact the necessary legislation to give effect to it in their country.

a: accession - A process by which a State that did not sign the *1951 Refugee Convention*, accepts to be bound by it. Accession may occur before or after a treaty has entered into force. It has the same effect as ratification.

Glossary of Terms

Accession

A process by which a country accepts to be bound by a treaty (such as the *1951 Refugee Convention*). Accession may occur before or after a treaty has entered into force. It has the same legal effect as ratification.

See also **Ratification** and **Signatory**

Acts contrary to the purposes and principles of the UN

Acts that are contrary to the Preamble and Articles 1 and 2 of the United Nations Charter. They relate to the fundamental principles that should govern the conduct of countries in relation to each other and in relation to the international community in general.

See also **Exclusion Clauses**, **Crimes against peace**, **War Crimes** and **Crimes against humanity**.

Age

Refers to the different states in one's life cycle. It is important to be aware of where people are in their life cycle as their needs may change over time. Age influences and can enhance or diminish capacity to exercise rights.

See also **Gender**, **Diversity** and **Mainstreaming age, gender and diversity**

Assistance

Aid provided for humanitarian purposes (non-political, non-commercial, non-military purposes), such as food items, medical supplies, clothing, shelter, and infrastructure such as schools, hospitals and roads. UNHCR provides assistance with the aim of ensuring that persons of concern are properly protected.

Asylum

The grant of protection by a country to people fleeing persecution or serious danger in their own country. Asylum includes a variety of elements such as the principle of *non-refoulement* and ensuring humane standards of treatment.

Asylum-seeker

A person who seeks safety from persecution or serious harm in a country other than her/his own. Not every asylum-seeker is a refugee, but every refugee is initially an asylum-seeker.

Cessation clauses

Legal provisions in the refugee definition that set out the conditions under which refugee status comes to an end because it is no longer needed. Cessation clauses are found in Article 1(C) of the *1951 Refugee Convention*, and in Article I (4) of the 1969 OAU Convention.

See also **Inclusion clauses** and **Exclusion clauses**

Charter-based mechanisms

Mechanisms constituted under the UN Charter, such as the Commission on Human Rights, to prevent and respond to human rights violations.

See also **Human rights** and **Treaty-based mechanisms**

Child

A person below the age of eighteen unless, under the national law applicable to the child, majority is attained earlier (Article 1 of the *Convention on the Rights of the Child*).

See also **Unaccompanied children** and **Separated children**

Child sexual abuse

Any act in which a child is used for sexual gratification. Any sexual relations/interaction with a child.

Community-based approach

The process of involving the community, represented by all groups (including women, men, children, older persons, minorities, etc.) in assessing, implementing, monitoring, and evaluating programmes that are designed for their benefit.

It requires both an understanding and consideration of their protection risks, concerns and priorities, engaging them in the various stages of protection and programme decision-making, and empowering them to enhance their own and their community members' protection.

See also **Mainstreaming age, gender and diversity** and **Situational analysis**

Complementary forms of protection

Protection offered to persons who are fleeing situations of generalised violence or events seriously disrupting public order by countries that are not bound by broader refugee definitions contained in regional instruments, or when return would expose those persons to a risk of torture, inhuman or degrading treatment, or other serious human rights violations.

Convention grounds

Reasons established in the *1951 Refugee Convention* as one of the elements of the refugee definition. It requires that a person's fear of persecution be linked to one or more of the following five grounds: **race, religion, nationality, membership of a particular social group, or political opinion**. These five grounds are known as the Convention grounds.

See also **Well-founded fear of persecution**

Convention refugee

A person who meets the refugee definition provided in the *1951 Convention relating to the Status of Refugees*.

See also **Refugee** and **Mandate refugee**

Crimes against humanity

It includes inhumane acts committed as part of a widespread or systematic attack directed against any civilian population. They include, but are not limited to, murder, extermination, enslavement, deportation, imprisonment, torture, rape and other forms of sexual violence.

See also **Exclusion clauses, War crimes, Crimes against peace, and Acts contrary to the purposes and principles of the UN**

Crimes against peace

It includes the planning, preparing, initiating, or waging of a war of aggression or a war that is in violation of international treaties, agreements or assurances.

Also see **Exclusion clauses, War crimes, Crimes against humanity, and Acts contrary to the purposes and principles of the UN**

Customary international law

International law that derives its authority from the consistent practice of countries out of a sense of legal obligation rather than from formal expression in a treaty or legal text.

Department of Peacekeeping Operations (DPKO)

DPKO assists the Member States and the Secretary-General of the UN in their efforts to maintain international peace and security. The Department's mission is to plan, prepare, manage and direct UN peacekeeping operations, so that they can effectively fulfil their mandates under the overall authority of the Security Council and General Assembly, and under the command vested in the Secretary-General.

Diversity

Within each group of people there are differences of age, gender, culture, different levels of mental and physical ability/disability, class, sexual orientation, ethnicity and other backgrounds. These differences must be recognised, understood and valued by UNHCR if we are to ensure that all groups of people access protection equally and that we do not add to the discrimination already experienced by certain groups.

See also **Age, Gender and Mainstreaming age, gender and diversity**.

Domestic violence

Physical, sexual and psychological violence occurring in the household, including battering, sexual exploitation, sexual abuse, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women and non-spousal violence, and violence related to exploitation.

Durable solution

A permanent solution to the problems of refugees, allowing them long-term resolution to the situation of displacement. The three durable solutions are **voluntary repatriation, local integration, and resettlement**.

Economic and Social Council (ECOSOC)

A principal organ to co-ordinate the economic, social, and related work of the 14 UN specialised agencies, 10 functional commissions and five regional commissions. The Council also receives reports from 11 UN funds and programmes. The Council serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to Member States and the United Nations system. It is responsible for promoting higher standards of living, full employment, and economic and social progress; identifying solutions to international economic, social and health problems; facilitating international cultural and educational co-operation; and encouraging universal respect for human rights and fundamental freedoms.

Exclusion clauses

Article 1 D, E and F of the *1951 Refugee Convention*.

They refer to situations in which a person is not in need of, or does not deserve the protection offered by the *1951 Refugee Convention*.

See also **Inclusion clauses** and **Cessation clauses**

Executive Committee Conclusion on International Protection

The consensus reached by UNHCR's Executive Committee on protection issues in the course of its annual discussions is expressed in the form of Conclusions on International Protection (ExCom Conclusions). They contribute to the elaboration of principles and standards for the protection of refugees and other persons of concern to UNHCR.

See also **Executive Committee of the High Commissioner's Programme**

Executive Committee of the High Commissioner's Programme (ExCom)

The body mandated with advising the High Commissioner on the exercise of his functions. ExCom also approves UNHCR's annual budget. ExCom is composed of a number of countries selected by the ECOSOC. Countries that are not members of ExCom also attend these meetings as observers, along with NGOs. As of 1 January 2006, 68 countries were members of ExCom.

See also **Executive Committee Conclusion on International Protection**

Family reunification

A process through which the family unit is restored, particularly after families have been separated when fleeing persecution. This is especially important when a durable solution is being sought for them.

See also **Family unity**

Family unity

A principle based on the premise that the family is a natural and fundamental group of society. According to this principle, the members of a refugee's family may also be recognised as refugees.

See also **Family reunification**

Female Genital Mutilation (FGM)

Cutting of genital organs for non-medical reasons, usually done at a young age. It can include partial or total cutting, removal of genitals and stitching for cultural or other non-therapeutic reasons.

Forced marriage

Arranged marriage against a person's wishes. Often a dowry is paid to the family; when refused, there are violent and/or abusive consequences.

Gender

Gender refers to the social differences between women and men that are learned, changeable over time and can vary within and between cultures. Gender often defines the roles, responsibilities, constraints, opportunities, and privileges of women and men in any context.

See also **Age, Diversity and Mainstreaming age, gender and diversity**

General Assembly (GA)

The General Assembly is the main deliberative organ of the United Nations. It is composed of representatives of all member states, each of which has one vote.

Human rights

Freedoms that all human beings are entitled to by virtue of being a human being. Human rights are set out in universal and regional human rights instruments. In some cases, there are mechanisms in place to monitor the implementation of these human rights by countries.

See also **Charter-based mechanisms** and **Treaty-based mechanisms**

Inclusion clauses

Legal provisions in the refugee definition that set out the criteria that a person must fulfil in order to be recognised as a refugee. The inclusion clauses are found in Article 1(A) of the *1951 Refugee Convention*, in Article I (1) and (2) of the 1969 OAU Convention and Conclusion III of the 1984 Cartagena Declaration.

See also **Cessation clauses** and **Exclusion clauses**

Inter-governmental organisation (IGO)

An organisation made up of member States. The United Nations, the African Union, the Organisation of American States are all IGOs.

See also **Non-governmental organisation (NGO)**

Internally displaced persons (IDPs)

People who are forced or obliged to flee from their homes, "... in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border" (the *Guiding Principles on Internal Displacement*).

See also **Persons of concern**

International Committee of the Red Cross (ICRC)

An impartial, neutral and independent organisation whose humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and co-ordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

International human rights law

A body of customary international law and human rights instruments that recognises and protects human rights. **Refugee law, international humanitarian law and human rights law** complement each other.

International humanitarian law

A body of law, regulations, and principles that govern the behaviour of parties in international and non-international armed conflicts. The four Geneva Conventions of 1949 and the two Additional Protocols of 1977 are the main sources of international humanitarian law. **Refugee law, international humanitarian law, and human rights law** complement each other.

International or Regional Instrument

In the humanitarian context, a legal agreement that is binding upon countries, and that defines various rights and obligations of individuals in a country and/or the country itself.

International protection

International protection encompasses all actions aimed at ensuring the equal access to and enjoyment of the rights of women, men, girls and boys of concern to UNHCR, in accordance with the relevant bodies of law, including international humanitarian, human rights, and refugee law.

It includes interventions by countries or UNHCR on behalf of persons of concern to UNHCR to ensure that their rights, security, and welfare are recognised and safeguarded in accordance with international standards. These interventions ensure, for instance, respect for the principle of *non-refoulement*; access to safety; access to fair procedures for the determination of refugee status; humane standards of treatment; and the implementation of durable solutions. Providing international protection is UNHCR's core mandate.

Local integration

One of the three durable solutions to address the plight of refugees. It involves their permanent settlement or assimilation in the country in which they sought asylum.

See also **Durable solution, Resettlement, and Voluntary repatriation**

Mainstreaming age, gender and diversity

A process to ensure that the meaningful participation of refugee girls, boys, women and men of all ages and backgrounds is integral to the design, implementation, monitoring and evaluation of all UNHCR policies and operations so that these impact equitably on people of concern. The overall goals are gender quality and the enjoyment of the rights of all refugees of all ages and backgrounds.

See also **Age** and **Gender**

Mandate (UNHCR mandate)

It refers to the role and functions entrusted to UNHCR as set forth in its Statute and subsequent resolutions of the UN General Assembly and ECOSOC.

Mandate refugee

Under UNHCR's mandate, two categories of persons may qualify for refugee status:

- (1) Those who meet the criteria of the refugee definition contained in the *1951 Refugee Convention* and
- (2) persons outside their country and unable to return owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalised violence or events seriously disturbing public order.

See also **Refugee** and **Convention refugee**

Membership of a particular social group

One of the 'Convention grounds' of the refugee definition provided in the *1951 Refugee Convention*. It refers to a group that is composed of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity or conscience.

See also **Convention grounds**, **Persecution**, **Race**, **Religion**, **Nationality**, and **Political opinion**

Migrant (Economic)

A person who voluntarily leaves his/her country of origin in search of better economic opportunities.

Migrant worker

A person who is engaged, is engaged or has been engaged in a remunerated activity in a country that s/he is not a national of.

National

A person recognised as having a legal bond with a country as provided for under the law of the country. Some countries use the word 'nationality' to refer to this legal bond, while other countries use the word 'citizenship'.

Nationality

(1) The status of being a national or citizen of a particular country.

(2) One of the 'Convention grounds' of the refugee definition provided in the *1951 Refugee Convention*. Nationality as a ground for persecution not only refers to citizenship, but also to membership of an ethnic or linguistic group. Occasionally, it may overlap with the term 'race'.

See also **Convention grounds**, **Persecution**, **Race**, **Religion**, **Membership of a particular social group** and **Political opinion**

Non-governmental organisation (NGO)

In the humanitarian and human rights field, a non-profit organisation that does not represent a government or a country. Many of them advocate for refugee protection or work to protect refugees in partnership with UNHCR.

See also **Inter-governmental organisation (IGO)**

Non-refoulement (Principle of)

The core principle of international refugee law that prohibits the forcible return of refugees in any manner whatsoever to countries or territories where their lives or freedom would be at risk for reasons of race, religion, nationality, membership of a particular social group or political opinion.

The principle of *non-refoulement* is part of customary international law and is therefore binding on all countries, whether or not they have signed on to the *1951 Refugee Convention* or its *1967 Protocol*. The principle also features in International Human Rights law and International Humanitarian Law.

Orphans

Children both of whose parents are known to be dead. In some countries, a child who has lost one parent is called an orphan.

Participatory assessment

Participatory assessment is a continuous process where the women, men, girls and boys of concern to UNHCR are active participants in assessing, planning, implementing, monitoring, and evaluating UNHCR programmes to ensure that they all realise and enjoy their rights.

Persecution

One of the elements of the refugee definition established in the *1951 Refugee Convention*. There is no universally accepted definition of 'persecution' within the meaning of the *1951 Refugee Convention*. Persecution comprises human rights abuses or other serious harm often, but not always, perpetrated in a systematic or repetitive way. Discrimination does not always amount to persecution, although it may do so if it affects a fundamental right of the person concerned, or if the effect of several discriminatory measures cumulatively causes serious harm.

See also **Well-founded fear of persecution**

Persons of concern to UNHCR

A generic term used to describe all persons who are protected under the mandate of UNHCR. These generally include refugees, returnees, stateless persons and, in some situations, internally displaced persons and persons threatened with displacement.

See also **Internally displaced persons, Refugees and Stateless person**

Political opinion

One of the 'Convention grounds' of the refugee definition provided in the *1951 Refugee Convention*. Political opinion as a ground for persecution implies that a person holds and/or is attributed an opinion that either has been expressed or imputed, and has come to the attention of the authorities. This ground is relevant even on the assumption that an opinion, although not yet expressed, will be expressed and will not be tolerated by the authorities when it is expressed.

See also **Convention grounds, Persecution, Race, Religion, Nationality, and Membership of a particular social group**

Prima facie recognition (of refugees)

Persons recognised on a group basis as refugees by countries under the *1951 Refugee Convention*, regional refugee instruments or by UNHCR under its mandate. This occurs normally during a large-scale influx, on the presumption that every individual among the group is a refugee. In this case, the process to recognise a refugee is not lengthy or detailed.

See also **Refugee**, **Convention refugee** and **Mandate refugee**

Protection

See **International Protection**

Purposes and principles of the United Nations

Set out in the Preamble and Articles 1 and 2 of the United Nations Charter. They relate to the fundamental principles that should govern the conduct of countries in relation to each other and in relation to the international community in general.

See also **Exclusion clauses**, **War crimes**, **Crimes against peace**, and **Crimes against humanity**

Race

One of the 'Convention grounds' of the refugee definition provided in the *1951 Refugee Convention*. Race is understood in its widest sense to include all kinds of ethnic groups that are referred to as 'races' in common usage.

See also **Convention grounds**, **Persecution**, **Religion**, **Nationality**, **Membership of a particular social group** and **Political opinion**

Rape / attempted rape / marital rape

The invasion of any part of the body of a victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force, coercion, taking advantage of a coercive environment, or against a person incapable of giving genuine consent. Efforts to rape someone which does not result in penetration is considered 'attempted rape'. Rape occurring within a marriage is considered 'marital rape'

Ratification

A process by which a country indicates its consent to be bound by a treaty (such as the *1951 Refugee Convention*). To ratify a treaty a country must deposit an Instrument of Ratification with the appropriate authorities. Ratification grants countries the necessary time-frame to seek the required approval for the treaty at the domestic level and to enact the necessary legislation to give effect to it in their country.

See also **Accession** and **Signatory**

Refolement

See **Non-refoulement (principle of)**

Refugee

A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country (Article 1 A (2) of the *1951 Refugee Convention*).

In addition to the refugee definition found in the *1951 Refugee Convention*, the 1969 OAU Convention also covers any persons compelled to leave their country 'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole of his country of origin or nationality.'

In addition to reiterating the refugee definition found in the *1951 Refugee Convention*, the 1984 Cartagena Declaration states that refugees also include persons who flee their country *'because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order.'*

See also **Persons of concern**

Refugee law

A body of customary international law, international and regional instruments, and national laws that establishes standards for refugee protection. The *1951 Convention relating to the Status of Refugees* together with its *1967 Protocol* are the cornerstones of international refugee law.

Refugee status determination

Legal and administrative procedures undertaken by countries or UNHCR to determine whether an asylum-seeker should be recognised as a refugee under the relevant legal instruments.

Registration

Identifying, recording, verifying, and continuously updating information about persons of concern to UNHCR with the aim of protecting, assisting, and finding durable solutions for their problems.

Reintegration

A process which enables returnees to regain the legal, physical, and material security needed to maintain life, livelihood and dignity as a citizen of the country of origin or habitual residence.

Religion

One of the 'Convention grounds' of the refugee definition provided in the *1951 Refugee Convention*. Persecution for reasons of religion may assume various forms, including prohibition of membership in a religious community, of worship in private or public, or of religious instruction, or serious discriminatory measures imposed on persons because they practice their religion or belong to a particular religious community.

See also **Convention grounds, Persecution, Race, Nationality, Membership of a particular social group and Political opinion**

Repatriation

See **Voluntary repatriation**

Resettlement

One of the three durable solutions to address the plight of refugees. It involves the transfer of refugees from the country where they were granted refugee status to another country that has agreed to admit them and offer them long-term resident rights and/or citizenship. Resettlement is also a protection tool and a practical example of international responsibility-sharing.

See also **Durable solution, Local integration and Voluntary repatriation**

Returnee

A refugee or internally displaced person who returns home with the intention of remaining there permanently.

See also **Persons of concern**

Self-reliance

In the refugee context, the ability of an asylum-seeker or refugee to meet his/her own basic needs and those of his/her dependants.

Separated children

Children who are separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other family members

(as defined in the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*).

See also **Child** and **Unaccompanied children**

Serious non-political crime

A **serious non-political crime** is a crime which is considered serious in most jurisdictions, and which is predominantly motivated by non-political reasons (such as personal gain). Crimes which have been committed out of a political motive, but which cause indiscriminate harm to civilians and/or are disproportionate to the alleged political purpose may also be considered non-political for the purposes of the exclusion clause.

See also **Exclusion clause**

Sexual abuse

Actual or threatened physical intrusion of a sexual nature including inappropriate touching, by force or under unequal or coercive conditions.

Sexual and gender-based violence (SGBV)

Violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty. While women, men, boys and girls can be victims of SGBV, women and girls are more often the victims.

Sexual exploitation

Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Signatory

A country that is signatory to a treaty (such as the *1951 Refugee Convention*) indicates its intention to "ratify" (become a "party") it at a later date. Signing a treaty does not bind the country to it. However it assumes an obligation of good faith to refrain from acts which would defeat the object and purpose of the treaty.

See also **Accession** and **Ratification**

Situation analysis

A fact and information-gathering process where a situation or problem is examined from all possible angles (statistical, social, economic, political, legal, etc) by the people who are concerned by the problem or situation. For UNHCR, situation analysis includes profiling, sex and age disaggregated data, standards and indicators, participatory assessment, and participatory planning.

See also **Community development approach** and **Mainstreaming age, gender and diversity**

Standards of treatment

Parameters derived from the *1951 Refugee Convention* and other international and regional human rights instruments that set the parameters for the treatment of persons of concern to UNHCR.

Stateless person

A person who is not considered a national by any country under the operation of its law (Article 1 of the 1954 *Convention relating to the Status of Stateless Persons*).

See also **Persons of concern**

Statelessness

The condition of not being considered a national by any country under the operation of its law.

Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR Statute)

The annex to General Assembly Resolution 428 (V) of 1950 that establishes UNHCR's mandate, functions and structure, and defines a refugee for the purposes of UNHCR's work. UNHCR's mandate has been subsequently expanded by numerous UN General Assembly and ECOSOC resolutions.

See also **UNHCR mandate**

Temporary protection

Protection that is offered to people who are fleeing conflict and persecution in large enough numbers to overwhelm asylum procedures, or where there are no asylum procedures, as a short-term, emergency response. A determination of eligibility for refugee status needs to be carried out after this initial response. Temporary protection should be used on an exceptional basis by countries.

Treaty-based mechanisms

UN human rights treaty bodies (committees) constituted to monitor the implementation of the core international human rights treaties. They are created in accordance with the provisions of the treaties concerned. Currently there are seven treaty monitoring bodies.

See also **Human rights** and **Charter-based mechanisms**

Unaccompanied children

Children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so (as defined in the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*).

See also **Child** and **Separated children**

UNHCR partner

Normally refers to government agencies, UN bodies, NGOs and other parts of civil society that work with UNHCR in protecting persons of concern to the agency. Refugees and other persons of concern to the agency are also important partners.

United Nations Children Fund (UNICEF)

The United Nations Children's Fund. UNICEF's mission is to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided in doing this by the provisions and principles of the *Convention on the Rights of the Child*.

United Nations High Commissioner for Refugees (UNHCR)

The UN agency mandated by the international community to, *inter alia*, protect refugees and find durable solutions for them in co-ordination with governments and other partners. The ECOSOC and the UN General Assembly have mandated UNHCR with other related tasks.

Violence against women

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

(cited from the 1993 UN General Assembly Declaration on the Elimination of Violence Against Women)

Voluntary repatriation

One of the three durable solutions to address the plight of refugees. It involves refugees voluntarily returning to their country of origin and/or country of habitual residence in safety and with dignity. Refugees may repatriate spontaneously or with the assistance of UNHCR and its partners.

See also **Durable solution**, **Local integration**, and **Resettlement**

War crimes

War crimes are violations of the laws or customs of war. These crimes include, but are not limited to, grave breaches of the four Geneva Conventions of 1949, including the wilful killing, torture, inhuman treatment, unlawful detention or deportation of persons who are no longer taking part in hostilities, and the destruction or appropriation of property protected by the four Geneva Conventions of 1949. Civilian or military personnel can commit war crimes.

See also **Exclusion clauses**, **Crimes against peace**, **Crimes against humanity**, and **Acts contrary to the purposes and principles of the UN**

Well-founded fear (of persecution)

The key distinctive element of the *1951 Refugee Convention* definition of a refugee. According to the *1951 Refugee Convention*, this fear of persecution must be linked to one or more of the five Convention grounds: race, religion, nationality, membership of a particular social group, or political opinion.

See also **Convention grounds** and **Persecution**

World Food Programme (WFP)

As the food aid arm of the UN, WFP provides food to meet emergency needs and to support economic & social development. The Agency also provides the logistics support necessary to get food aid to the right people at the right time and in the right place. It promotes policies, strategies and operations that directly benefit the poor and hungry.

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