

PROTECTION

UNHCR'S PROTECTION MANDATE

UNHCR was created to ensure international protection for refugees and to find durable solutions to their predicament. In certain circumstances, UNHCR is also expected to help and protect other groups of people in refugee-like situations. UNHCR's unique mandate has required it since 1950 to monitor situations that could make people take flight and to take appropriate action when refugees' rights are threatened. Action includes both operational and other types of response, such as intervening with relevant authorities on behalf of refugees. UNHCR must work in close cooperation with governments, who bear the primary responsibility to protect the human rights of people on their territory.

Securing Basic Rights

Protecting refugees involves ensuring that their basic human rights are respected. To do this, UNHCR works both in refugees' countries of origin and in countries of asylum. Operations in border areas, camps, airports and detention centres allow staff to monitor and address the protection problems that refugees frequently encounter during their flight and asylum, and for some time after their return home. In today's complex displacement emergencies, typically involving many humanitarian actors, UNHCR plays a pivotal coordinating role for organisations that share its aims. Its paramount concerns are to secure the rights to life (and then to food, shelter and health care) liberty, and - crucially for asylum-seekers - access to security and status determination procedures, as well as protection from forced return to a situation of danger.

Ensuring Asylum

The fundamental UNHCR protection activity is ensuring that refugees and others in need of international protection are recognised and granted asylum. When national authorities cannot or will not implement procedures to identify refugees, UNHCR's staff are often deployed to thoroughly assess individual cases. When host governments fail to guarantee refuge to people in need of protection, UNHCR coordinates efforts to ensure their safety and rights. This might be done through political approaches to governments, by mobilising other actors in the international arena, or through physical intervention, like transfer or resettlement. UNHCR endeavours to see that governments keep not only to the letter but also to the spirit of international refugee law.

Legal and Resettlement Assistance

Resettlement remains a vital instrument of international protection and a durable solution for

some carefully screened refugees who need to be moved for security reasons or because of their vulnerability. Special resettlement programmes are designed to benefit women at risk and other special needs categories. UNHCR's protection officers usually personally identify refugees for resettlement and in recent years intensive efforts have been made to improve UNHCR's capacity to do this, using clear and consistent criteria. Through continuing consultations with governments and agency partners UNHCR develops strategies for meeting resettlement needs in a coherent and transparent manner.

Protecting other Persons of Concern

UNHCR's expertise is also not infrequently called upon to protect and assist people other than refugees and asylum-seekers. In accordance with well-defined criteria, internally displaced persons, returnees, people affected by conflict and stateless persons may benefit from UNHCR's help in certain circumstances. Wherever the lives of populations of concern to UNHCR are threatened by politically-rooted situations such as armed conflict or mass human rights violations, UNHCR's protection staff act to protect these populations through such measures as evacuation to safe areas and interventions with authorities to secure freedom of movement or the right to remain in or return to their homes. UNHCR also assists states to develop the structures and capacity with which to provide effective national protection to populations of concern.

Protection and Security Risks

In carrying out protection work on the ground UNHCR staff and the staff of partner agencies increasingly face physical risk. In recent years forced population displacement has frequently occurred in situations of armed conflict and civil disorder and the mere presence of UNHCR staff

frequently arouses hostility. In the last four years alone, over 40 UNHCR staff have been killed performing their duty.

Promoting Refugee Law

In addition to their operational protection role, UNHCR's field offices engage in a range of other activities to promote the international refugee protection system. These include promoting accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness. During 1999 and 2000, a campaign to promote accession to the 1951 Convention is being undertaken, leading up to the 50th Anniversary of UNHCR. Other promotional activities include helping states to enact or revise national implementing legislation, strengthening relevant legal and judicial institutions, training staff of government and non-governmental agencies and liaising with relevant human rights bodies. UNHCR is also involved in: research and advice on new laws and regulations affecting persons of concern to UNHCR; technical and financial support for law schools and civil service institutes to develop refugee law courses; and support for human rights advocacy groups, legal aid centres and non-governmental organisations with an interest in refugee protection.

Finding Solutions

UNHCR's mandate is to continue to protect refugees until a viable and lasting solution to their predicament has been found. Most often the preferred solution for refugees is their voluntary repatriation in safety and dignity. When repatriation takes place, UNHCR continues to ensure respect for basic rights during the process of return, and works with returnees for some time after their repatriation, monitoring their treatment and promoting their reintegration. In other cases, however, a return under satisfactory conditions remains elusive. Then UNHCR looks into other long-term solutions, including helping refugees to integrate into the society of their country of asylum, or a third country, to which UNHCR may help them resettle. In either case, refugees are helped to become self-reliant and, eventually, to obtain citizenship.

Protection Costs

Protection is an activity conducted by people; its success depends on the presence of protection staff in situations where refugees or asylum-seekers may be at risk. As such, the cost of protection is largely the cost of deploying protection personnel, along with the logistical, programme and administrative support they require. While all of UNHCR's global activities form an integral part of protection, direct costs for protection can be identified within UNHCR's budget structure in the following places:

- under the budget items **Protection, Monitoring and Coordination** and **Legal Assistance** in country-specific chapters;
- in the chapter **Global Operations** (budget headings **Promotion of Refugee Law and Advocacy, Resettlement Projects** and **Protection Related Projects**, including **Voluntary Repatriation**;
- as part of the budget for **UNHCR Headquarters**, under the heading **Department of International Protection**.

