

ANNUAL CONSULTATIONS WITH NGOs
3 – 5 JULY 2012 - International Conference Center Geneva

BACKGROUND PAPER

Americas Regional Session

Legal aid and effective advocacy – partners supporting better RSD systems in the Americas

“No man is wise enough by himself” – Plautus

Thursday 5 July 2012, 09h00 - 10h45 – Room 4

With a history of innovative legislation and declarations¹, the Americas region is at the fore-front when establishing frameworks for the protection of refugees, asylum-seekers, statelessness and internally displaced persons. In such an advanced legal environment, refugees and asylum seekers must have the tools and adequate structures to ensure that their rights are respected and fulfilled.

The predominantly urban settlements in the region calls for the inclusion of refugees and asylum seekers in existing state structures and for the close coordination among all relevant stakeholders, in particular the State, which has the primary responsibility to provide protection². This is the reason why, for many years, UNHCR, in partnership with the relevant actors, has based its strategy in the Americas on a rights and community based approaches³, working to empower individuals and communities to enable them to effectively exercise their rights.

As challenges in urban environments grow, partnerships and engagement by all pertinent actors are becoming more and more necessary. Access to refugee status determination, documentation, justice, education, health, specialized attention for persons with specific needs, among others, are key to ensure that refugees and asylum seekers can have their rights fulfilled. Advocacy efforts must thus be heard with a single voice to achieve our common and consolidated objectives.

¹ The Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984; the Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America, 16 November 2004; the Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, November 2010.

² UNHCR Policy on Refugee Protection and Solutions in Urban Areas, September 2009.

³ UNHCR Manual on a Community Based Approach in UNHCR Operations, March 2008.

A discussion on how to engage all actors, and persons of concern in particular, in advocacy efforts and in the creation of structures that permit a full exercise of rights will be presented in this session, including:

- How can persons of concern effectively claim their rights and obtain respect for their entitlements in adequate administrative and/or judicial instances?
- How can UNHCR partners contribute to access effective protection through legal counseling, administrative interventions and advocacy?
- How can persons of concern to UNHCR be better engaged in advocating for their own rights under an AGD approach?
- What type of empowerment and support would they require from UNHCR and its partners?
- How can the coordination in interventions be maximized to achieve common goals?

"The extent to which 'protection space' exists in a refugee situation can also be assessed in terms of the circumstances in which UNHCR and its humanitarian partners are able to work. In simple terms, the protection space can be regarded as relatively broad in situations where the Office has few restrictions placed upon its movements and activities, is able to make direct contact with refugees, has the freedom to choose its own implementing partners and enjoys a constructive dialogue with both national or municipal authorities. In situations where these conditions do not pertain, however, the protection space can be considered to be relatively narrow"⁴.

As "no man is wise enough by himself"; this sessions will aim to facilitate discussion on challenges and on exchange of good practices in the region. It will focus on engaging legal partners, civil society and persons of concern in advocacy efforts to provide effective protection to refugees, asylum-seekers, internally displaced and statelessness persons in urban settings.

Recommended readings:

- Joachim Theis, "Challenges for a Rights-based Approach," in Children's Rights Information Newsletter, No. 18, March 2005, available at <http://www.handicapinternational.fr/bibliographiehandicap/3ApprocheDroit/UtilProgMEO/CRINNews.pdf>
- UNHCR Manual on a Community Based Approach in UNHCR Operations, March 2008, available at <http://www.unhcr.org/refworld/docid/47da54722.html>
- UNHCR Policy on Refugee Protection and Solutions in Urban Areas, September 2009, available at <http://www.unhcr.org/refworld/docid/4ab8e7f72.html>
- Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, November 2010, available at <http://www.unhcr.org/refworld/docid/4cdd44582.html>

⁴ See supra note 2.

- Breakout Session 1: Gaps in the International Protection Framework and in Its Implementation, December 2010, available at <http://www.unhcr.org/refworld/docid/4e3fabaa2.html>
- A Thematic Compilation of Executive Committee Conclusions, 6th edition, June 2011, available at <http://www.unhcr.org/refworld/docid/4e8006a62.html>
- UN High Commissioner for Refugees, Age, gender and diversity mainstreaming, 31 May 2010, EC/61/SC/CRP.14, available at: <http://www.unhcr.org/refworld/docid/4cc96e1d2.html>