

## UPDATE ON IMPLEMENTATION OF THE AGENDA FOR PROTECTION

### I. INTRODUCTION

1. This note provides an update on implementation of the *Agenda for Protection* (AfP).<sup>1</sup> It builds on the update delivered by the Director of UNHCR's Department of International Protection (DIP) and the regional overviews by Directors of Regional Bureaux at the twenty-sixth meeting of the Standing Committee in March 2003<sup>2</sup>. It focuses largely on developments since that time. A matrix providing a tentative schedule of some aspects of implementation is attached in annex to this update. This schedule has already been the subject of detailed review by the Standing Committee.

2. Follow-up to the AfP is a threefold process. The first part consists of operational or field-based mainstreaming, focusing on the AfP as a planning framework for operational activities. Many of these activities are described in the *Note on International Protection*<sup>3</sup>, to which cross references are made throughout this update. The second part of the process comprises follow-up at Geneva level, notably through the work of ExCom and its Standing Committee. Activities are scheduled through to 2005, with the understanding that the Standing Committee will retain flexibility to address other issues, if required. The third element of implementation might loosely be termed "tools development", either by UNHCR or within the framework of the High Commissioner's "Convention Plus" initiative. Here the aim is to further the ambition, clearly emphasized throughout the *Global Consultations* process and articulated in the AfP, of building upon and buttressing the 1951 Convention relating to the Status of the Refugees (1951 Convention). The convening on 27 June 2003 of the High Commissioner's Forum will be an important step towards developing special agreements for this purpose.

### II. FIELD-BASED MAINSTREAMING

#### A. General Overview

3. This section provides examples of the use of the AfP in strategizing and planning activities of UNHCR's offices. It also provides some information on its implementation by partners, illustrating what is increasingly a systematized process of mainstreaming into country programmes. Although formally endorsed only last October, the AfP has already become an important platform for UNHCR's protection strategies and interventions region by region, down

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<sup>1</sup> A/AC.96/965/Add.1.

<sup>2</sup> EC/53/SC/CRP.6.

<sup>3</sup> EC/53/SC/CRP.9.

to the country level. It has been specifically factored into annual instructions on Country Operations Plans and reporting, as well as the requirements for the Annual Protection Reports. The AfP has been made a theme of strategic planning sessions and discussions at Headquarters and in the field, involving senior managers, protection and other UNHCR staff, as well as partners. Close to 12,000 copies of the pocket version of the AfP – now in a second edition, that includes a thematic index<sup>4</sup> – have been distributed widely in English, French and Spanish including governmental and non-governmental partners. The AfP is also a feature of the Protection Learning Programme, and of DIP's field-based protection management and accountability workshops. The most recent workshop was held for the Southern Africa region, in Pretoria from 22 to 23 May 2003, and included discussions on accountability for implementation of the AfP.

4. In his overview to the Standing Committee in March 2003, the Director of the Regional Bureau for Africa drew attention to the priorities deriving from the AfP for operations in the region. (Goal 1) These include support of governmental efforts to adopt appropriate refugee protection measures and legislation, in fulfilment of the Comprehensive Implementation Plan adopted at the special Organization of African Unity/UNHCR experts meeting held in Conakry, Guinea, in March 2000. Improving registration and documentation of refugees is another important priority, as witnessed by the number of offices in Africa participating in new registration-related initiatives. (Goal 3) A global review process has been initiated to re-validate and refine a core set of quantifiable indicators and standards covering basic areas such as education, food security and nutrition, as well as protection. (Goal 4) Individual country plans of action to address sexual and gender-based violence (SGBV) are in place, while workshops and facilitation sessions have commenced and been scheduled for all offices in Africa. (Goal 5) Repatriation will continue to be a major priority in the region, as well as implementing the High Commissioner's "4Rs" strategy, which is already unfolding in Sierra Leone and Eritrea and may soon be rolled out in Angola. Strengthening opportunities for self-reliance and local integration is another important priority. The resettlement hubs in Accra and Nairobi are up and running, as part of UNHCR's efforts to improve and increase resettlement processing in country offices.

5. The Regional Bureau for the Americas carried out an in-depth review of their planned activities for 2003 against the AfP, and established a set of priorities. (Goal 1) Activities are currently under way to encourage accession to the 1951 Convention and its 1967 Protocol through bilateral contacts with governments and with the support of regional fora, such as the Organization of American States (OAS). Efforts are also being made to strengthen legal frameworks for protection, not least by encouraging the adoption of legislation that takes due account of the specific needs of refugee women and children, while also strengthening cooperation with the inter-American human rights bodies. Strengthening contingency planning is also an important objective. (Goal 2) UNHCR will continue to promote awareness of refugee issues in regional bodies and strengthen engagement in migration-related fora, while deepening cooperation with IOM. (Goal 3) Building protection capacity, especially in refugee status determination and resettlement, but also through civil society protection networks, is another area of attention. (Goal 5) The fostering of local integration in certain urban areas is being actively explored.

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<sup>4</sup> UNHCR is grateful to the International Catholic Migration Commission (ICMC), which contributed the index.

6. The Regional Bureau for Asia has established a matrix indicating the three highest AfP priority areas for each UNHCR office in the region. (Goal 1) The focus in Asia is on the adoption of national legislation ensuring a conducive protection environment for refugees and asylum-seekers. UNHCR is also working with governments to find acceptable alternatives to the detention of asylum-seekers. (Goal 2) Efforts are continuing to highlight the need to protect refugees in mixed migratory movements and to ensure that refugee protection remains at the forefront of discussions on mixed migratory flows. (Goal 5) Bilateral discussions are under way to promote voluntary repatriation as, for example with the Governments of Bhutan and Nepal. (Goal 6) Prevention and response to SGBV remains a key priority, along with better protection of refugee women and children.

7. (Goal 1) In the CASWANAME region, a major objective in the Middle East and North Africa is to support governmental efforts to establish comprehensive asylum systems. UNHCR continues to promote adequate registration, as was the case for some 30,000 Somali refugees in Yemen who now hold identity cards that attest to their legal stay in the country. (Goal 5) In Afghanistan, together with returnee monitoring, UNHCR is pursuing joint initiatives to build the capacity of local and central authorities to deal with protection-related issues and to encourage durable reintegration. In a multi-year solutions-oriented strategy, operational linkages are being pursued with multilateral and bilateral development actors. Development agencies are being encouraged to establish programmes in refugee-affected areas in Pakistan and the Islamic Republic of Iran, in order to attenuate the impact of the long-term presence of refugees. Activities to improve the situation of refugee women and children are a major priority. Refugee advocacy and expanding partnerships with the Organization of the Islamic Conference and the League of Arab States are also being pursued to this end.

8. (Goal 1) For Europe, activities include the promotion of principled and coherent asylum policies that provide harmonized standards of protection to refugees throughout the European Union. In Central Europe and the Balkans, UNHCR is assisting in the development of asylum systems, especially in EU candidate countries. In Eastern Europe, the focus has shifted to encouraging effective implementation of asylum laws, and the establishment of national institutions dealing with refugee status determination. (Goal 5) Other efforts centre on realizing solutions through voluntary repatriation and sustainable reintegration, coupled with continued work on statelessness issues. (Goal 6) An equally important effort is under way to improve the protection and overall situation of women and children asylum-seekers and refugees through concerted efforts in a number of countries in the fields of protection, assistance, public information, training and awareness-raising.

## B. Specific Developments

### Goal 1: Strengthening Implementation of the 1951 Convention and its 1967 Protocol

9. With the deposit of its instrument of accession to the 1951 Convention and its 1967 Protocol, Timor-Leste became the 145<sup>th</sup> State Party to one or both instruments.<sup>5</sup> Other countries such as Sri Lanka have signalled an interest in considering accession, and UNHCR has engaged

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<sup>5</sup> Goal 1, objective 1.

in promising discussions with some Caribbean States. UNHCR is working closely on accession-related issues with the OAS Commission on Legal and Political Affairs and the Inter-American Commission of Human Rights.<sup>6</sup>

10. As an example of an emerging trend, UNHCR has had fruitful discussions with the US authorities on alternatives to detention, such as a supervised release programme, and is holding similar discussions with authorities in a number of other countries.<sup>7</sup> UNHCR is also currently finalizing a Memorandum of Understanding with the African Commission on Human and Peoples' Rights (ACHPR), aimed at strengthening cooperation between the two organizations to enhance refugee protection in Africa.<sup>8</sup> Under this MOU, violations of refugee rights will receive greater attention within the framework of the remedial mechanisms at the ACHPR's disposal. This, in turn, will reinforce monitoring of implementation of the 1969 OAU Refugee Convention by States Parties. The Office will also participate in the OAS General Assembly in June, which plans to adopt a resolution on refugees and will hear the first-ever report on refugees by the OAS Secretary-General, pursuant to last year's resolution.

11. Country offices throughout South-East Asia are making a major effort in 2003 to improve UNHCR's mandate refugee status determination, gradually beginning to harmonize standards and procedures, in line with DIP's new handbook on core procedural standards for UNHCR's refugee status determination procedures.<sup>9</sup> In the Caribbean region, UNHCR is working with States to set in place viable procedures.

12. Goal 1, objective 11 encourages better registration and documentation of refugees<sup>10</sup>. Project Profile is developing and implementing registration systems that will contribute to building comprehensive demographic profiles.<sup>11</sup> A new *Registration Handbook*, incorporating standards, notably those identified in the Conclusion adopted by ExCom at its fifty-second session,<sup>12</sup> as well as in the High Commissioner's Five Commitments to Refugee Women, has been completed and will be available shortly.<sup>13</sup> It includes recommendations on appropriate methodology for interviewing and registering women and children at the point of entry and for recording and updating information on special needs. In Guinea and Zambia, refugee identification cards with electronic photos have been issued to camp and urban refugees respectively, while in Burundi, individual refugee status determination, combined with registration and documentation for refugee women have enhanced the identification of the specific needs of women. Implementation of these new standards in operations, through use of the Handbook and a series of regional training workshops planned in 2003, will significantly upgrade and expand UNHCR's registration activities, providing for continuous updating and management of registration data. The Population and Geographic Data Section and Project Profile, within the Division of Operational Support, has worked closely with DIP to ensure that the new standards and processes also provide for the needs of refugee status determination and resettlement activities.

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<sup>6</sup> Goal 1, objective 1, action 3.

<sup>7</sup> Goal 1, objective 9, action 4.

<sup>8</sup> Goal 1, objective 12, action 4.

<sup>9</sup> Goal 1, objective 2, action 7.

<sup>10</sup> See specific actions to be taken by UNHCR, as well as EC/53/SC/CRP.9, paras. 4-6.

<sup>11</sup> Goal 1, objective 11, action 8.

<sup>12</sup> ExCom Conclusion No. 91 (LII), 2001 (A/AC.96/959, para. 23.).

<sup>13</sup> Goal 1, objective 11, action 5.

13. The new standards are already being applied in Ghana, Uganda, the United Republic of Tanzania, Eritrea, as well as in Angola and four neighbouring asylum countries, during the first half of 2003. Such activities are now better capturing information at the individual level. They include photographs and, where possible, issuance of identity documents to both men and women.<sup>14</sup> Training using the new standards has been conducted in countries neighbouring Iraq, Uganda, the United Republic of Tanzania and Malaysia. A pilot biometrics test using iris recognition technology began in Pakistan for Afghan returnees in the last quarter of 2002, and proved so successful that it was expanded in the second quarter of 2003 to four of the Voluntary Repatriation Centres.<sup>15</sup> To date, these tests have focused on anonymous enrolment that prevents “recycling” or multiple registration.

#### Goal 2: Protecting Refugees within Broader Migration Movements

14. UNHCR is strengthening partnership with governments and other key partners to improve the management of the mixed flows of asylum refugees and refugees and promote satisfactory solutions. UNHCR continued to work closely with the International Organization for Migration (IOM) to address operational problems of joint concern and to promote more convergent policies and programmes. Cooperation has been notable in the framework of the Berne Initiative and the Action Group on Asylum and Migration (AGAMI), a wide range of migration-related fora, as well as at national level.<sup>16</sup> UNHCR and IOM collaborated in a Workshop on Best Practices in Asylum Management organized by the Office in Bangkok on 10-12 March 2003. In Indonesia, IOM and UNHCR are partners in receiving and finding solutions for intercepted cases, be they refugees under UNHCR’s Mandate or rejected asylum-seekers followed up by IOM.<sup>17</sup>

15. UNHCR contributed to the Second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and related Transnational Crime held on Bali, Indonesia, on 28-30 April 2003 (Bali II).<sup>18</sup> One purpose was to reinforce the understanding that refugee protection combined with more readily available durable solutions could help to reduce people smuggling and trafficking in persons, while contributing to diminishing secondary movements. UNHCR offered ideas for a comprehensive approach to irregular movement in the region built around burden-sharing, refugee protection, and measures to address abuse of the asylum channel and limit secondary movements. In the same vein, through the High Commissioner’s attendance at a meeting of EU Justice and Home Affairs Ministers held in Veria, Greece, at the end of March, UNHCR’s strategy to address both the phenomenon of irregular movements of asylum-seekers to Europe and the problem of economic migrants clogging its asylum systems was further persuasively advocated. The Office is currently looking at how to translate the strategy into initiatives on the ground.

16. New EU Member States will soon be the point of entry for Europe’s external borders. Continued access to asylum for those in need of protection will be key. UNHCR is contributing

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<sup>14</sup> Goal 1, objective 11, action 1.

<sup>15</sup> Goal 1, objective 11, action 6.

<sup>16</sup> Goal 2, objective 5, action 1.

<sup>17</sup> Goal 2, objective 4.

<sup>18</sup> Goal 2, objective 2; and Goal 2, objective 4, action 2.

to the development of a core curriculum for European border guards, in an EU-sponsored project being implemented by Austria and Sweden.<sup>19</sup> The Office has worked to ensure that refugee-specific issues are included in the curriculum, such as training in interviewing techniques to identify potential asylum-seekers. The Office also continued to cooperate with the International Maritime Organization (IMO) on the protection of asylum-seekers and refugees travelling by sea, as part of efforts to reach common understanding on responsibilities in the context of rescue at sea of asylum-seekers and refugees.<sup>20</sup> UNHCR is a regular observer at IMO Committee sessions in London and has been active in an inter-agency review group that is exploring possibilities for greater inter-agency consultations and cooperation on the satisfactory resolution of rescue-at-sea cases.<sup>21</sup>

17. UNHCR is increasingly cooperating in operational mechanisms to combat trafficking and smuggling and is also involved in training activities. In Albania, for example, UNHCR has been piloting new ways of protecting asylum-seekers who have fallen prey to traffickers, or who are potential victims.<sup>22</sup> The Office contributes to a rapid screening exercise designed to ensure the proper channelling and follow-up of individual cases entering the country. UNHCR cooperates in an initial assessment aimed at determining potential cases of trafficking to ensure that victims are channelled to the agencies and institutions best equipped to handle them. In April, UNHCR, the Sakharov Armenian Human Rights Centre and the UN Theme Group on Anti-Trafficking organized a roundtable on the theme “Ratification of the Palermo Protocols on Trafficking and Smuggling: What Does it Mean for Armenia.” The roundtable was successful in raising awareness of the scope of the Palermo Protocols and actions required to ensure full implementation.

18. In Indonesia, Malaysia, Thailand, Hong Kong SAR and elsewhere in South Asia, UNHCR has been working through training and other initiatives, to ensure adequate safeguards are in place to distinguish refugees from persons who are not in need of international protection. UNHCR is also planning to hold a joint seminar with the Asian African Legal Consultative Committee (AALCC) on the theme of migration and refugee protection later in the year. The aim is to discuss with AALCC member states how to incorporate refugee protection safeguards into migratory policies.<sup>23</sup>

19. As follow-up to the 2002 Budapest Regional Meeting within the framework of the Global Consultations on International Protection, that explored the legal and practical aspects of return of persons not in need of international protection, the application of the “safe third country” notion and readmission agreements,<sup>24</sup> UNHCR co-sponsored a conference with the Czech authorities that took place in Prague in early April. This conference took stock of regional, sub-regional and cross-border cooperation mechanisms capable of strengthening and facilitating implementation of the Budapest Conclusions and the 1951 Convention, while ensuring better sharing of burdens and responsibilities for processing asylum applications.<sup>25</sup>

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<sup>19</sup> Goal 2, objective 1, action 1.

<sup>20</sup> Goal 2, objective 1, action 5.

<sup>21</sup> Goal 2, objective 1, action 5.

<sup>22</sup> Goal 2, objective 1.

<sup>23</sup> Goal 2, objective 1, action 1.

<sup>24</sup> Goal 2, objective 7.

<sup>25</sup> See also EC/53/SC/CRP.9, paras. 11-16.

Goal 3: Sharing Burdens and Responsibilities More Equitably  
And Building Capacities to Receive and Protect Refugees

20. In an important initiative in Africa aimed at identifying where local protection capacity needs to be strengthened, UNHCR's Regional Bureau for Africa and the African Union (AU) completed a first review of national protection capacities in 11 selected countries.<sup>26</sup> On the basis of the report, the AU plans to make a set of recommendations at its 2003 summit, while UNHCR will follow-up with country-specific recommendations at national level. The inventory of recommendations will assist UNHCR to better target capacity-building efforts.

21. UNHCR will present the AfP and describe the main protection challenges faced by UNHCR in Africa to senior government officials from East Africa, the Horn and the Great Lakes region, participating in a conference being organized by the International Migration Policy Programme from 23-26 June 2003, in Addis Abeba. UNHCR will present the outline of its strategy to build local protection capacity in host countries and to involve civil society.<sup>27</sup>

22. By way of example of UNHCR's capacity-building activities, the Office encouraged a technical cooperation agreement on refugee status determination between the Canadian Immigration and Refugee Board and the Mexican Commission for Assistance to Refugees. UNHCR also sponsored a study tour by a Mexican official to Canada, to become acquainted with the operation of Canada's refugee system. In Yemen, UNHCR signed an MOU with the Ministry of Human Rights which introduces a refugee law curriculum at the University of Sana'a for fourth year students in the Law College. In late March, UNHCR's office in Kinshasa organized, under the auspices of the Ministry of the Interior, a session on international refugee law at the faculty of law. The session also provided an opportunity to familiarize students with the new national legislation on refugees in the Democratic Republic of the Congo (DRC).<sup>28</sup>

Goal 4: Addressing Security-Related Concerns More Effectively

23. UNHCR has been pursuing pragmatic and collaborative strategies to attain this goal, including direct support to field operations, and facilitating an integrated approach to attaining acceptable protection standards.<sup>29</sup> In a noteworthy example, the Guinean mixed brigade of *gendarmes* and police officers tasked with refugee camp security, together with the Royal Canadian Mounted Police (RCMP) and UNHCR Guinea, are implementing an innovative model of assistance to the host State.<sup>30</sup> The deployment of two RCMP officers to Kissidougou, developed by the Canadian Department of Foreign Affairs and International Trade, in cooperation with UNHCR's Emergency and Security Service, has proceeded well and is now the subject of a mid-term review. This tripartite model of cooperation provides a useful basis for the further development of burden-sharing and capacity-building strategies in the area of refugee security.

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<sup>26</sup> Goal 3, objective 2, action 5, as well as OAU/UNHCR's Comprehensive Implementation Plan.

<sup>27</sup> Goal 3, objective 2, action 1.

<sup>28</sup> See also EC/53/SC/CRP.9, paras.17-19.

<sup>29</sup> See also EC/53/SC/CRP.9, paras. 7-10.

<sup>30</sup> Goal 4, objective 1, action 7.

24. The partnership approach applied in Guinea is being demonstrated in other aspects of refugee security. UNHCR has sought to strengthen the Office's operational linkages with the UN Department of Peacekeeping Operations (DPKO) and the Department of Political Affairs (DPA) to achieve more robust institutional arrangements to combat refugee insecurity, pursuant to conclusion on the civilian and humanitarian character of asylum adopted by ExCom at its fifty-third Session.<sup>31</sup> UNHCR hopes that a planned exchange of letters with DPKO, along with an initial exploratory meeting, will pave the way for the setting in place of a more structured and predictable mechanism for cooperation. UNHCR views stronger cooperation with DPKO as an opportunity to operationalize the "ladder of options" concept in situations that warrant a robust intervention. UNHCR has also contributed to reports to the Security Council on protection of civilians in armed conflict by the United Nations Secretary-General. As another example of cooperation on refugee safety issues, 12 police officers, including one female officer, have been deployed in refugee camps, under an MOU signed by UNHCR with the Sierra Leonean authorities.

25. Staff safety and security remain a key concern. In Africa, all offices have been urged to participate in the UN Security Management Team. Field-based Staff Safety Advisors and Staff Welfare Officers conduct security audits to assist in developing security plans and providing targeted field safety training. The aim is to ensure better management of staff safety and security, including early warning and risk assessments.

26. UNHCR has been building on its strategic cooperation with the Inter-Parliamentary Union (IPU), co-author of a *Handbook for Parliamentarians on International Refugee Law* that now exists in over 20 languages. The aim is to ensure that parliamentarians, as an important and influential component of civil society, are fully aware of and sympathetic to refugee protection needs. UNHCR participated in the IPU's 108<sup>th</sup> conference in Santiago de Chile in early April, where it disseminated the AfP widely and organized a number of side events, including the launch of the Spanish-language version of the *Handbook*. While in Santiago, UNHCR launched discussions with the African Parliamentary Union (APU) regarding a planned conference targeting African parliamentarians in 2004 and focusing on refugees and the civilian character of asylum. The conference would follow-up on an APU/IPU conference on humanitarian law, organized in cooperation with the International Committee of the Red Cross (ICRC) in Niamey in 2002.<sup>32</sup> It would provide the ICRC with an opportunity to follow-up on the Niamey conference from its perspective, while furthering UNHCR's goal of continuing to work with States on addressing refugee-related security concerns more effectively. UNHCR will also formally launch the English version of the *Handbook* in Australia in mid-June.

#### Goal 5: Redoubling the Search for Durable Solutions

27. Detailed information on this Goal is contained in the Note on International Protection.<sup>33</sup> An analysis of protracted refugee situations is in train, with the aim of identifying situations which may lend themselves for treatment under the "Convention Plus" initiative.<sup>34</sup> The Working Group on Resettlement, chaired by Canada (working in cooperation with Australia) has made

<sup>31</sup> ExCom conclusion No. 94 (LIII) 2002, A/AC.96/973, para. 23.

<sup>32</sup> Goal 4, objective 1, action 2.

<sup>33</sup> EC/53/SC/CRP.9, paras. 30-39.

<sup>34</sup> Goal 5, objective 1, action 1.

progress in identifying the components of more strategic use of resettlement.<sup>35</sup> UNHCR also continued to strengthen its own resettlement processing and is currently looking at how to make criteria more flexible so as to bring more groups within the ambit of resettlement, as mentioned by the Director of DIP in her oral report to the 26<sup>th</sup> meeting of the Standing Committee.

#### Goal 6: Meeting the Protection Needs of Refugee Women and Children

28. At the Standing Committee consultations on 8 May 2003, the Assistant High Commissioner reported on UNHCR's progress in addressing SGBV issues, including through implementation of the Inter-Agency Standing Committee (IASC) plan of action,<sup>36</sup> recommendations resulting from three recent evaluations and assessments of protection of refugee women, refugee children and the community services function in UNHCR<sup>37</sup>, as well as its efforts to reinforce the accountability framework.<sup>38</sup>

29. Main features of the evaluations of particular relevance to the AfP include an emphasis on training and capacity-building as the primary means of addressing many of the problems identified. They note the importance of ensuring that "front line" UNHCR staff, particularly community services staff, as well as staff of NGO partners, are appropriately trained. The ten-month Protection Learning Programme (PLP) and the Action for the Rights of Children (ARC) capacity-building and training programme will continue to be used as tools to enhance the capacity of UNHCR staff to adopt a rights-based approach, while analyzing and responding to protection issues with a gender and age perspective. These programmes complement the People Oriented Planning (POP) and specific training on SGBV issues. In 2003, UNHCR will give priority to establishing a training programme for community services staff and will also revise the POP framework with the aim of tailoring its contents to better meet current realities and demands.

30. Age and gender concerns are now properly reflected in instructions for Annual Protection Reports and County Operations Plans.<sup>39</sup> Practical assistance to the field to address sexual and gender-based violence has also been provided through direct participation in inspection and investigation missions.

31. Country offices are increasingly producing statistical reports disaggregated by age and sex, and reporting on implementation of the High Commissioner's five Commitments to Refugee Women and on the five priorities on refugee children. The Reintegration and Local Settlement Section (RLSS) has developed checklists and guidelines on reintegration, self-reliance and micro-finance. Community services indicators and standards have been developed and field-tested and will be included in the "core indicators" currently being developed by DOS. A

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<sup>35</sup> EC/SC/CRP.10/Add.1.

<sup>36</sup> See *Plan of Action of the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*.

<sup>37</sup> *Meeting the Rights and Protection Needs of Refugee Children: An Independent Evaluation of the Impact of UNHCR's Activities* (May 2002), *UNHCR Policy on Refugee Women and Guidelines on their Protection: An Assessment of Ten Years of Implementation* (May 2002), and *The Community Services Function in UNHCR: An Independent Evaluation* (March 2003).

<sup>38</sup> See also EC/53/SC/CRP.9, paras. 21-26.

<sup>39</sup> Goal 6, objective 1, action 6; and Goal 6 objective 2, action 7.

checklist on *Designing Protection Strategies and Measuring Progress* was also issued by DIP in July 2002, as a practical protection planning and measurement tool for UNHCR staff in the field.

32. Relevant departments at Headquarters, working with field offices, have completed the revision of the *Guidelines on Sexual and Gender-Based Violence in Refugee Situations: Guidelines on Prevention and Response*.<sup>40</sup> Developed in consultation with UNHCR's many governmental and non-governmental partners in refugee protection, and field tested in more than 32 countries around the world with the participation of 60 partners, these guidelines provide practical advice on how to design strategies and carry out activities aimed at preventing and responding to gender-based violence. In Myanmar, for example, UNHCR has set up a system to monitor its assistance activities in North Rakhine State, so as to avoid assistance-related sexual exploitation.

33. To ensure a standard of accountability of all staff towards beneficiaries, UNHCR put in place a *Code of Conduct* in September 2002, that incorporates specific accountability-related provisions.<sup>41</sup> All staff members were required to participate in facilitation sessions, allowing in-depth discussions of the implications of the *Code of Conduct* and of some delicate and complex issues that could arise. Measures have also been taken to ensure that staff of implementing partners abide by similar standards of conduct, by incorporating them into agreements signed with these partners. The newly revised *Operations Management Handbook for UNHCR's Partners*, issued in February 2003, also reinforces these standards.

34. To further strengthen their partnership in addressing women's and children's issues, UNHCR and UNICEF are currently reviewing areas for increased cooperation, with a view to revising their MOU. UNHCR is also working with UNIFEM to advance the implementation of Security Council Resolution 1325 on the protection of women and children in situations of armed conflict. ILO and UNHCR are presently cooperating to enhance economic empowerment activities in refugee communities. UNHCR is cooperating with UNITAR and UNDP in providing training on the protection of refugee women and children in conflict and post-conflict situations for potential and actual peacekeepers. Ongoing partnerships with international and local NGOs include co-operation with Save the Children (as well as with OHCHR and UNICEF) on ARC training<sup>42</sup>, collaboration with Women in Law and Development Africa (WILDAF). UNHCR is also implementing pilot initiatives for empowerment of refugee women, and supporting capacity-building for a number of refugee-initiated activities such as the Men's Association for Gender Equality (MAGE) in Guinea.

### III. FOLLOW-UP AT THE GENEVA LEVEL

35. Pursuant to Goal 1 of the AfP<sup>43</sup>, UNHCR is carrying out a survey on steps being taken by States to reduce statelessness and to meet the protection needs of stateless persons. This is the subject of a separate progress report to the 27<sup>th</sup> meeting of the Standing Committee.<sup>44</sup> A full

<sup>40</sup> Goal 4, objective 4, action 1.

<sup>41</sup> Goal 4, objective 4, actions 2 and 3.

<sup>42</sup> Goal 6, objective 2, action 8.

<sup>43</sup> Goal 1, objective 12, action 6.

<sup>44</sup> EC/53/SC/CRP.11.

report on the results of the survey will be made available later in 2003, which will include recommendations for consideration in due course by ExCom.

36. Work has begun on guidelines on the reception of asylum-seekers<sup>45</sup>, drawing upon the conclusion adopted by ExCom at its fifty-third session.<sup>46</sup> The revision of the guidelines on the protection of refugee women<sup>47</sup> is also underway, as well as guidelines on procedural aspects of exclusion in the context of group determination on a *prima facie* basis.<sup>48</sup> Furthermore, work has commenced on the *Handbook on Strengthening Capacities in Host Countries for the Protection of Refugees*.<sup>49</sup>

37. Several ExCom conclusions are slated for adoption in 2003, including a general conclusion on international protection, protection safeguards in interception measures<sup>50</sup>, and a conclusion of State responsibility to accept and facilitate the return of nationals<sup>51</sup>. An additional conclusion on the prevention of exploitation is also under consideration. A publication containing all the background papers and summary conclusions of the “second track” of the Global Consultations, entitled *Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection*, is now being printed and will be available shortly<sup>52</sup>. It is expected that work on complementary guidelines to the *Handbook on Procedures and Criteria for Determining Refugee Status*<sup>53</sup> will be completed, as planned, by the end of 2003.

#### IV. TOOLS DEVELOPMENT

38. The AfP requests UNHCR to engage in intensified training and in-house capacity-building, while committing more resources to improve the quality and consistency globally of its mandate refugee status determination processes.<sup>54</sup> Drawing on extensive consultations with field offices, DIP has finalized an operational handbook on core procedural standards for UNHCR’s refugee status determination processes (entitled *Procedural Standards for Refugee Status Determination under UNHCR’s Mandate*). Its aim is to ensure due process and integrity in UNHCR procedures and to improve the quality and consistency of UNHCR’s refugee status determination (RSD). Comprehensive guidance is offered on all aspects of the RSD process, from the reception and registration of asylum-seekers to the final determination of their claims.

39. AfP priorities have been made a more specific and integral part of protection learning programmes notably the *Thematic Protection Learning Programmes* (TPLPs), a series of four-month programmes launched in 2003. Two TPLPs have commenced, both of which include a brief self-study phase, a participatory workshop and a post-workshop exercise. The first, on the theme *Protection Strategies in Areas Affected by Armed Conflict*, is designed to support field operations by aiding in the devising of strategies to protect women, men, boys and girls of

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<sup>45</sup> Goal 1, objective 9, action 2.

<sup>46</sup> ExCom Conclusion No. 93 (LIII) 2001, A/AC.96/973, para. 22.

<sup>47</sup> Goal 6, objective 1, action 4.

<sup>48</sup> Goal 1, objective 10, action 10.

<sup>49</sup> Goal 3, objective 2, action 3.

<sup>50</sup> Goal 2, objective 4, action 1.

<sup>51</sup> Goal 2, objective 7, action 3.

<sup>52</sup> Goal 1, objective 6, action 1.

<sup>53</sup> Goal 1, objective 6, action 2.

<sup>54</sup> Goal 1, objective 2, action 7.

concern to UNHCR in situations of armed conflict, as well as post-conflict scenarios.<sup>55</sup> The second programme, on the theme *Protection Strategies in the Context of Broader Migration Movements*, directly furthering Goal 2 of the AfP, has a similar aim as regards asylum-migration nexus questions.<sup>56</sup> The TPLPs incorporate a gender and age perspective,<sup>57</sup> and emphasize the value of partnership. UNHCHR, OCHA, ILO, UNDP, ICRC, IOM, Save the Children, the Centre for Humanitarian Dialogue and Amnesty International have assisted in developing and have participated in the programmes.

40. UNHCR launched a new *Legal and Protection Policy Research* series, making its legal and protection policy assessments available to decision-makers, academics, judges, NGOs and the general public. The intention is to promote more harmonized application of the 1951 Convention.<sup>58</sup> This new series of background and discussion papers is available on UNHCR's website at [www.unhcr.org](http://www.unhcr.org). The first three papers in series are: *Claims for Protection Based on Religion or Belief*; *Secondary Refugee Movements and the Return of Asylum-Seekers to Third Countries: The Meaning of Effective Protection*; and *Cancellation of Refugee Status*.

41. DIP's Protection Information Section (PIS), successor to the Centre for Documentation on Refugees, launched *Refworld 2003* – a four CD-ROM collection enabling easy access to reliable and up-to-date information related to refugees and human rights. *Refworld* is a unique information tool comprising more than 70,000 full-text searchable documents, the *International Thesaurus of Refugee Terminology*, national legislation on issues pertaining to asylum and statelessness, international and national jurisprudence, newly added documents in Spanish and German and 270 maps. The user can also browse through UNHCR's library catalogue, which contains more than 15,000 references. Portions of the contents of *Refworld 2003* are available on UNHCR's website.

## V. ACTIVITIES OF STATES AND ORGANIZATIONS

42. Pursuant to ExCom's endorsement of the AfP<sup>59</sup> at its fifty-third session, States and organizations will undoubtedly wish to report on progress they have made in their own follow-up actions. To enable UNHCR to report more comprehensively in future on the full range of follow-up initiatives, UNHCR would welcome suggestions on how to reflect better the work of States and other partners in its updates, as requested by ExCom.

43. A number of States, such as Australia, Canada, Switzerland and the United States of America, have already informed UNHCR that they have carried out a thorough analysis of the AfP, both within their administrations and in partnership with UNHCR and NGO partners, to identify priorities and determine how best to move forward with implementation at national level. At the regional level, one noteworthy example is the European Commission's March 2003 *Communication on the common asylum policy and the Agenda for Protection*<sup>60</sup>. Three overarching themes were identified by the Commission as being common to the AfP and the EU

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<sup>55</sup> Goals 1 and 6.

<sup>56</sup> Goals 2 and 3.

<sup>57</sup> Goal 6.

<sup>58</sup> Goal 1, objective 6.

<sup>59</sup> ExCom Conclusion No.92 (LII) 2002: A/AC.96/973, para. 21.

<sup>60</sup> COM. (2003) 152 final of 26 March 2003.

processes in asylum and refugee matters: access to protection; access to durable solutions, with a specific focus on sustainable return and reintegration; and sharing burdens and responsibilities more equitably with third countries. The Commission's directive suggests, *inter alia*, three complementary objectives that, consistent with the AfP, need to be pursued to improve the management of asylum in the context of an enlarged Europe. It urges improvement of the quality of decisions on asylum claims within the EU; consolidation of protection capacities in regions of origin; and treatment of protection requests as close as possible to needs.

44. A discussion paper on the strategic use of resettlement has been prepared by the Working Group on Resettlement, in response to goal 5, objective 1, Action 2 of the AfP. This paper is submitted to the Standing Committee as Addendum 1 to this update.

## VI. CONCLUSION

45. As can be seen in this update, the AfP is being used widely as a key policy document. While more time will be needed to consolidate its mainstreaming, this process has effectively begun. The AfP is permeating UNHCR's planning for operations, while boosting the operationalization of protection. It is also a growing point of reference for States, NGOs and other partners in protection.

**IMPLEMENTATION OF ASPECTS OF THE AGENDA FOR PROTECTION**  
**REVISED TENTATIVE SCHEDULE<sup>61</sup>**  
*(As of 27 February 2003)*

<u>Cluster/Topic</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
<b>1951 Convention/Asylum Systems</b>	<ul style="list-style-type: none"> <li>• <b>ExCom Conclusion on <u>Reception of Asylum-Seekers and in the Context of Individual Asylum Systems</u> – No. 93 (LIII) (AFP – Goal 1, Objective 9, point 1)</b></li> <li>• <b>ExCom Conclusion on the <u>Civilian and Humanitarian Character of Asylum</u> – No. 94 (LIII) (AFP – Goal 4, Objective 1, point 1)</b></li> </ul>	<ul style="list-style-type: none"> <li>• UNHCR Guidelines on <u>Reception of Asylum-Seekers</u> (AFP – Goal 1, objective 9, point 2)</li> </ul>	<ul style="list-style-type: none"> <li>• UNHCR Guidelines, procedures and standards for <u>Preservation of the Civilian Character of Asylum</u> (AFP, Goal 4, objective 1, point 2)</li> <li>• <u>Study of difficulties States have in acceding to or in implementing the 1951 Convention</u> (AFP – Goal 1, objective 1, point 1)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>ExCom Conclusion on <u>Complementary Forms of Protection</u> (AFP – Goal 1, Objective 3, point 1)</b></li> <li>• <b>ExCom Conclusion (framework for) <u>Asylum Procedures</u> (AFP – Goal 1, objective 2, point 1)</b></li> </ul>
<b>Mass Influx</b>		<ul style="list-style-type: none"> <li>• UNHCR Guidelines on <u>Procedural Aspects of Exclusion in the Context of Group Determination – Prima Facie</u> (AFP – Goal 1, objective 10, point 2) (May move into 2004)</li> <li>• Study on Protection responses to <u>mass influxes</u> (AFP – Goal</li> </ul>	<ul style="list-style-type: none"> <li>• Study on the <u>Impact of Refugees on Host Countries</u> (AFP – Goal 3, objective 1, point 6)</li> </ul>	

<sup>61</sup>

This schedule has been adjusted following the Planning Meeting of ExCom Members held on 12 December 2002. ExCom Conclusions are indicated in bold font. This table is not intended to reflect the full range of follow-up activities; only those requiring action by the Standing Committee and those which are Headquarters-based responsibilities of the Department of International Protection (DIP). The activities foreseen for DIP's follow-up may be subject to adjustment in light of resource constraints. In 2001, ExCom adopted a *Conclusion on Registration of Asylum - Seekers and Refugees* pursuant to the *Global Consultations on International Protection*.

<u>Cluster/Topic</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
		1, objective 10, point 1)		
<b>Protection of Women and Children</b>		<ul style="list-style-type: none"> <li>UNHCR Guidelines on the <u>Protection of Refugee Women</u> (Revision) (Goal 6, objective 1, point 4)</li> </ul>		
<b>Registration and documentation</b>		<ul style="list-style-type: none"> <li>UNHCR Guidelines and operational standards with regard to <u>registration and population data management</u> (Goal 1, objective 11, point 5)</li> </ul>		
<b>Burden and Responsibility-Sharing and Capacity-Building</b>		<ul style="list-style-type: none"> <li><i>Handbook on Strengthening Capacities in Host Countries for the Protection of Refugees</i> (AFP – Goal 3, objective 2, point 3)</li> </ul>	<b>ExCom Conclusion on <u>Framework Considerations for Responsibility-Sharing in Mass-Influx Situations</u> (AFP – Goal 3, objective 1, point 2)</b>	

Cluster/Topic	2002	2003	2004	2005
<b>Asylum-Migration Nexus</b>	<ul style="list-style-type: none"> <li>Expert Roundtable on <u>Responsibilities in the Context of Rescue at Sea</u> (AFP – Goal 2, objective 1, point 5; and Goal 2, objective 4, point 1)</li> </ul>	<ul style="list-style-type: none"> <li><b>ExCom Conclusion on <u>Protection Safeguards in Interception Measures</u></b> (AFP – Goal 2, objective 1, point 4)</li> <li>AGAMI meetings to <u>deepen understanding of the nexus between asylum and migration</u> (AFP, Goal 2, objective 5, point 1)</li> <li><b>ExCom Conclusion on <u>State Responsibility to Accept and Facilitate the Return of Nationals</u></b> (AFP, Goal 2, objective 7, point 3)</li> </ul>	<ul style="list-style-type: none"> <li>UNHCR Guidelines on <u>Protection Safeguards in Interception Measures</u> (AFP – Goal 1, objective 4, point 3 and Goal 2, objective 1, point 3)</li> <li>AGAMI meetings to <u>deepen understanding of the nexus between asylum and migration</u> (AFP, Goal 2, objective 5, point 1)</li> <li>Expert Meeting on <u>Protection Needs of Trafficked Children</u> (Goal 2, objective 2, point 4)</li> </ul>	
<b>Durable Solutions</b>		<ul style="list-style-type: none"> <li>Region-by-region Review of <u>Protracted Refugee Situations</u> (AFP – Goal 5, objective 1, point 1)</li> </ul>	<ul style="list-style-type: none"> <li>Region-by-region Review of <u>Protracted Refugee Situations</u> (AFP – Goal 5, objective 1, point 1) (continued)</li> <li><b>ExCom Conclusion on <u>Legal Safety Issues in the context of Voluntary Repatriation</u></b> (AFP – Goal 5, objective 2, point 6)</li> </ul>	<ul style="list-style-type: none"> <li><b>ExCom Conclusion on <u>Local Integration</u></b> (AFP, Goal 5, objective 4, point 1)</li> <li>Publication: <i>Handbook on Voluntary Repatriation</i> (Update) (AFP – Goal 5, objective 3, point 1)</li> </ul>

<u>Cluster/Topic</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
<b>Root Causes</b>		<ul style="list-style-type: none"> <li>Survey of Steps taken by States to reduce <u>Statelessness</u> (AFP – Goal 1, objective 12, point 6)</li> </ul>		
<b>Additional Follow-up</b>	<ul style="list-style-type: none"> <li>Complementary guidelines to the <i>Handbook on Procedures and Criteria for Determining Refugee Status</i> (AFP – Goal 1, objective 6, point 2) <ul style="list-style-type: none"> <li>Guidelines on International Protection: <u>Gender-related Persecution</u> within the context of Article 1A(2) (HCR/GIP/02/01).</li> <li>Guidelines on International Protection: “<u>Membership of a particular social group</u>” within the context of Article 1A(2) (HCR/GIP/02/02)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Complementary guidelines to the <i>Handbook on Procedures and Criteria for Determining Refugee Status</i> (AFP – Goal 1, objective 6, point 2): <ul style="list-style-type: none"> <li>Internal Flight/Relocation Alternative</li> <li>Cessation (Completed)</li> <li>Family Unity</li> <li>Trafficking <ul style="list-style-type: none"> <li>Exclusion</li> <li>Religion</li> </ul> </li> </ul> </li> <li>Book containing background papers and summary conclusions of the <u>Second Track of the Global Consultations</u> (AFP – Goal 1, objective 6, point 1)</li> </ul>		