

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.