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Protection capacity and delivery

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I. Introduction and objectives

1.   While considerable progress has been made in mainstreaming protection in various functions during the recent structural and management change process, challenges remain, including in further enhancing UNHCR's capacity to deliver protection in the Field. This Note examines the challenges facing the Office in protecting populations of concern. It then looks at the area of protection management and, subsequently, examines selected protection themes, pointing out key steps for further progress under each area.

2.   UNHCR's renewed focus on protection capacity must be examined against the current operational environment and protection challenges. The Office's efforts to delivering protection take place in the context of shrinking humanitarian space; an increasingly complex security and humanitarian environment; increased urbanization; complex internal displacement situations; and migratory movements, often of a mixed character.[1] The points below summarize UNHCR's objectives in overcoming these challenges:

- Render protection environments more secure for persons of concern to the Office and for UNHCR staff;

- Create an organizational and operational environment that ensures equitable outcomes for all persons of concern, regardless of age, sex or background;

- Strengthen management accountability, capacitating and motivating managers and staff in the protection function;

- Ensure that protection resources, including protection staffing and information, are adequate to the tasks;

- Ensure the knowledge, expertise and competencies of managers and protection staff are sufficient and commensurate with their protection responsibilities;

- Expand protection partnerships, including in the area of affiliate workforce, to increase protection capacity and delivery;

- Increase awareness of UNHCR's mandate and strengthen cooperation globally, generating good will and support for persons of concern;

- Deliver protection in a changing operational environment, involving internal displacement and an increasing concentration of persons of concern to UNHCR in urban contexts and in mixed migration movements;

- Manage registration and refugee status determination (RSD), ensure resettlement is expanded, used strategically and in tandem with voluntary repatriation and local integration, and promote and seek solutions through migration options; and

- Assess protection needs in a coherent and comprehensive manner.

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[1] The Note on international protection (EC/61/SC/CRP.10) provides a more in-depth analysis of the current protection environment.

II. Protection management

A. Accountability

3.   UNHCR has made progress with regard to accountability in protection through the results-based management (RBM) system. Protection is now incorporated into the functions of all UNHCR staff. The Code of Conduct, the age, gender and diversity mainstreaming (AGDM) approach, mandatory participatory planning, and programme evaluation conducted by multi-functional teams including persons of concern, are integral to efforts to ensure accountability. Gender equality is a UNHCR policy and is actively implemented in all areas. In parallel, internal inspection and oversight, carried out by the Inspector General's Office (IGO) and the Division of International Protection (DIP), provide UNHCR with detailed assessments on management practice and performance in protection delivery.

4.   Key steps for further progress include:

- ▪Increase emphasis on protection management through multi-functional teams (with continued focus on persons of concern in all phases of the programme cycle) and participatory planning and evaluation, enhancing the use of the AGDM policy.

- Provide guidance on the use of online protection tools, such as Refworld, the "RSD Community of Practice" project, and the UNHCR Manual on Refugee Protection through induction programmes, including for new Representatives. Increase the availability of protection policies, procedures and doctrine in multiple languages.

- Streamline and strengthen protection oversight through participation in programme design and review, contributing a protection perspective; and through continued inspection and protection oversight missions by the IGO and DIP.

B. Resources

5.   The move by the organization towards results-based management has allowed clearer planning in human, material and financial resources. The 2008 Guidelines for the Design of UNHCR's Presence (Design Guidelines) delineate UNHCR's presence and implementing arrangements, as well as its workforce composition and Office designation. UNHCR maintains effective affiliate protection workforce arrangements through emergency or regular deployments with a broad base of partners.[2] Recommended UNHCR protection staffing benchmarks were issued in March 2010 to guide offices in staffing selected areas of protection.

6.   Key steps for further progress include:

- Gradually align internal staffing levels for all areas of protection with the recommended protection staffing benchmarks, taking into account specific operational contexts.

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[2] Norwegian Refugee Council, Danish Refugee Council, Red R, ActionAid, CANADEM, the Surge and Resettlement Deployment Programmes and deployments of consultants for refugee status determination. Significant protection staffing support is also received through the UNV Programme, the UN Office for Project Services, as well as the ProCap and GenCap inter-agency rosters for deployments in support of protection coordination functions.

- Adapt recruitment procedures for shorter-term assignments to accommodate rapid expansion and reduction of staffing levels, according to emergency needs and operational cycles.

- Introduce a more structured framework for affiliate workforce arrangements, including through country level arrangements, to meet additional needs in the areas of advocacy, litigation, land and property, statelessness, registration, RSD, the protection of internally displaced persons (IDP), and the prevention of sexual and gender-based violence (SGBV).

C. Staff expertise, learning and training

7.   UNHCR has progressively fostered a learning and training culture and produced a valuable base of protection and management learning courses and materials such as the Protection Learning Programme and the RSD Learning Programme. The Global Learning Centre (GLC) was established in Budapest in mid-2009 to enhance learning opportunities including protection training for staff, the affiliate workforce and partners.

8.   Key steps for further progress include:

- Within the context of the GLC's comprehensive learning strategy, based on UNHCR's global strategic priorities (GSPs), prioritize the following areas for protection training: the international protection framework and UNHCR's mandate; AGDM; IDP protection; RSD; protection in urban settings; community mobilization; protection in natural disasters; protection management; leadership; and negotiation and other skills.

- Roll out redesigned Thematic Protection Learning Programmes (TPLPs) in the areas of statelessness and resettlement; introduce interactive induction learning programmes on the issue of statelessness, internal displacement and AGDM as well as advanced learning programmes on community mobilization and development, child protection, gender equality, SGBV, protection management, leadership and negotiation skills.

- Enhance staff access to external training opportunities in refugee law, human rights and humanitarian law, and litigation through specialized programmes with selected academic institutions, and establish mentoring systems between junior and more senior protection staff to guide and aid junior staff in their work and development.

D. Partnerships

9.   Since 2004, national partners[3] in all sectors have constituted, on average, over 75 per cent of UNHCR's implementing partners. The diversity and complexity of UNHCR's protection work constantly requires new capacity and expertise. In this regard, UNHCR has increased the number of protection partnerships from 151 in 1994 to 361 in 2009. Protection partnerships accounted for only 2.5 per cent of overall programme expenditure in 2004 compared to 13 per cent[4] in 2009. This illustrates the growing importance of

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[3]National partners refer to all partners, including national Red Cross and Red Crescent Societies, government partners and non-governmental organizations.
[4] Thirteen per cent is lower than the actual investment in protection partnerships over the period, due to the accounting methods applied under the former system. The new system in *FOCUS* provides a more accurate linkage to protection activities.

national level partnerships to the Office, particularly in contexts where direct access may be limited for UNHCR and other international agencies.

10.   Key steps for further progress include:

- Prioritize protection delivery through implementing partnerships, particularly at the national level, including through community organizations, faith-based groups where appropriate, and other relevant actors.

- Enhance partnerships and alliances with UN agencies and operational partners (not funded by UNHCR) through joint training events, joint field missions, joint strategy development and advocacy approaches, particularly in the context of field protection clusters. Deploy skilled staff with specific terms of reference (TORs) to help build the capacity of partners.

- Use participatory approaches and community mobilization activities to encourage persons of concern to act as agents of their own protection. Support the development of community self-protecting mechanisms.

III.   Protection responses in key thematic areas

A.   Urban contexts

11.   Protection delivery in urban settings poses new challenges in that populations are often scattered; do not necessarily form a community; can be of diverse nationalities, religious and cultural backgrounds; and frequently live in situations of irregular stay. Responding to the needs and vulnerabilities of persons of concern in urban contexts, therefore, remains a challenge.

12.   In 2009, UNHCR published its policy on refugee protection and solutions in urban areas choosing Cairo, Desamparados (San José), Dushanbe, Kuala Lumpur, Moscow, Nairobi and St. Petersburg as "pilot sites" for implementation. The Office also boosted its capacity to deliver quality livelihood support to displaced populations.

13.   Key steps for further progress include:

- Identify and disseminate good practices in urban operations. UNHCR is already compiling innovative good practices in several operations which will be made available and which will assist in analysing implementation of the urban refugee policy.

- Deepen UNHCR's engagement with UN Country Teams in creating synergies with UNDAF (UN Development Assistance Framework) initiatives aimed at local populations.

- Develop innovative outreach techniques through engagement with community workers, the use of mobile/internet messaging, and surveys and referrals from NGOs and municipal authorities.

- Re-examine staffing configurations and profiles to strengthen community services, with technical expertise in urban livelihoods and community development, and legal and operational protection.

B.   UNHCR's supervisory responsibility and advocacy

14.   In addition to responding to the needs of persons of concern in major operations, including in an increasingly complex environment, UNHCR has worked to maintain international focus on the plight of refugees and other persons of concern through implementing its supervisory responsibility, and through representation and advocacy efforts in the Field and at Headquarters. To secure protection and solutions for persons of concern, the development of national legal and administrative capacities remains a key global challenge for UNHCR. The Office needs sufficient specialized protection staff for this work.

15.   Key steps for further progress include:

- Ensure that UNHCR advocacy activities in complex legal settings in the industrialized world are mainstreamed through job descriptions and staffing structures, protection guidance, and protection training.

- Devise specific initiatives to help UNHCR strengthen its ability to develop and implement advocacy strategies to improve protection outcomes and respect for international norms.

- Boost awareness, understanding and support for persons of concern to UNHCR, using the forthcoming anniversaries of important milestones in UNHCR's history as opportunities.

C.   Inter-agency response to internal displacement.

16.   In the context of the inter-agency humanitarian reform efforts, UNHCR has assumed the leadership or co-leadership of three clusters at the global level. It is the lead agency for the protection clusters in 21 of 31 country operations where a protection cluster has been established, and co-lead agency for two of the remaining 10. UNHCR has increasingly provided its protection expertise in the context of humanitarian responses to natural disasters. In 2009, UNHCR participated in the response to natural disasters in the Philippines and, in 2010, has provided significant support to the Office of the High Commissioner for Human Rights, which leads the protection cluster in Haiti.

17.   Key steps for further progress include:

- Establish Protection Cluster Coordinator positions in the Field, in line with the recommended protection staffing benchmarks and the recommendations of the Inter-Agency Standing Committee (IASC).

- Equip staff to fulfill IDP-related responsibilities through targeted training initiatives with the Global Learning Centre and the provision of new tools, such as the "RSD Community of Practice", quick reference materials and relevant guidelines.

- Refine protection involvement in internal displacement related to natural disasters, building on UNHCR's role as lead agency for the global protection cluster, and be prepared to fill the gap in coordination for the protection cluster at the field level in the context of the IASC and in consultation with the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR).

D.   Refugee status determination

18.   Under its mandate, UNHCR conducts RSD in over 50 countries. In 2008, the Office received 73,400 asylum applications and was the third largest decision-making body

globally in terms of claims decided. In recent years, 90 per cent of the total asylum applications received by UNHCR have been concentrated in the top 15 RSD operations. The Office designed and implemented the Procedural Standards for Refugee Status Determination under UNHCR's Mandate and, in 2006, launched the RSD Learning Programme, a comprehensive mandatory training for all UNHCR staff responsible for carrying out or supervising RSD.[5]

19.   Key steps for further progress include:

- Improve and expand the arrangements under which affiliate staff can be recruited and deployed to RSD operations, with a view to attracting and retaining individuals with RSD skills and experience.

- Set up an internal RSD emergency staff roster to ensure rapid-response in operations facing processing gaps, in particular at the supervisory level, and establish additional Regional RSD Officer posts to deliver expert and timely support to RSD operations. The post responsibilities will include efficient case management strategies and alternatives to individual RSD, where appropriate.

- Continue to manage Refworld and the "RSD Community of Practice" within the Division of International Protection, to produce high quality and up-to-date information tools and resources for RSD decision-makers.

- Design and implement hand-over strategies for governments where this is appropriate.

E.   Community services

20.   In the area of community services, UNHCR has made notable advances in the implementation of the AGDM strategy, the multi-functional team approach, mainstreaming participatory assessments into the operations planning processes, and the systematization and streamlining of procedures for the prevention of, and response to, SGBV. In addition, a new UNHCR education strategy was launched for 2010–2012. The Handbook on the Protection of Women and Girls, the UNHCR Guidelines on Determining the Best Interests of the Child, and the revised Heightened Risk Identification Tool, also remain important to the Office's community services strategy.

21.   Key steps for further progress include:

- Promote and reinforce AGDM, and provide technical support to offices in the Field in line with phase III (2010 onwards) of the implementation of the AGDM policy.

- Increase the involvement of protection staff in the areas of child protection and the prevention of and response to SGBV, which were traditionally viewed as a strictly community services issue.

- Expand partnerships and develop joint initiatives in the areas of livelihood support and education, the prevention of and response to SGBV, child protection, women's empowerment, and gender equality, with the UN Development Programme (UNDP), the World Bank, UNICEF, the UN Educational Scientific and Cultural Organization (UNESCO), and the UN Population Fund (UNFPA), as well as with relevant educational institutions.

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[5] To date, 250 staff, including those who carry out RSD for resettlement purposes and who are responsible for building RSD capacity in the context of State asylum procedures, have now completed this training.

F.   Resettlement[6]

22.   From 2004 to 2009, UNHCR resettlement submissions tripled, increasing from 39,000 to approximately 128,000. Resettlement departures also doubled during the same period from 42,000 to approximately 84,000. Twenty-three States cooperated with UNHCR in 2009, providing resettlement places under annual resettlement programmes of which eight had been established since 2005. A further four States provided special resettlement places in 2009. Emergency Transit Facilities (ETF) were established in Romania (2008), the Slovak Republic (2009), and the Philippines (2009), to provide temporary refuge for persons with acute protection needs, pending their resettlement.

23.   UNHCR's identification and referral capacity was strengthened through partnerships with key stakeholders, enhanced dialogue with States, and the strategic use of resettlement, including in protracted refugee situations. The Resettlement Service in DIP, in coordination with the regional hubs, ensured the global management of resettlement policy development and the provision of analysis and support to operations.

24.   Key steps for further progress include:

- Advocate that States provide more resettlement places, including for medical and high-risk categories; reduce processing lead-times, particularly for emergency cases; establish new resettlement programmes; create additional emergency transit facilities; and avoid usage of discriminatory resettlement criteria.

- Advocate for, and facilitate the implementation of, a European Union-wide resettlement scheme. Strengthen resettlement schemes in the Middle East and Asia using regional resettlement positions to coordinate liaison, advocacy and capacity-building initiatives with concerned countries.

G.   Statelessness

25.   More than 3.5 million stateless people acquired or had a nationality formally confirmed between late 2004 and 2010. Numerous States introduced legal provisions to prevent statelessness. Six States have introduced legislation which accords the right to confer nationality upon children, women and men.[7] Between 2005 and April 2010, the number of States Parties to the 1954 Convention Relating to the Status of Stateless Persons increased from 57 to 65, and the number of States Parties to the 1961 Convention on the Reduction of Statelessness rose from 29 to 37   Recent UNHCR publications on the issue include, *Statelessness: Analytical Framework for Prevention, Reduction and Protection; UNHCR Action to Address Statelessness: A Strategy Note*, March 2010; and the Thematic Protection Learning Programme on Statelessness for UNHCR staff and partners.

26   Key steps for further progress include:

- Significantly increase activities under the statelessness mandate in 2010 and 2011. (The CNA statelessness budget for 2010 is approximately three times higher than spending on statelessness issues in 2009).

- Involve a greater number of staff and external partners in the issue. Staff and partners will benefit from an e-learning and a self-study module provided in cooperation with the Global Learning Centre.

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[6] See also *Progress report on resettlement* (EC/61/SC/CRP.11)
[7] Algeria (2005), Indonesia (2006), Morocco (2006), Sierra Leone (2006), Bangladesh (2009) and Zimbabwe (2009).

- Develop and disseminate further guidance on UNHCR's statelessness mandate and relevant international legal instruments.

H. Registration and Profiling

27. UNHCR's registration systems were harmonized through Project Profile. The registration tool, *proGres*, has contributed to achieving greater consistency and quality in RSD and resettlement procedures, and to obtaining a better understanding of the needs and capacities of persons of concern. Field support for registration and population data management has been enhanced through the five regional registration positions, now covering all operations except those in the Americas and in Europe.[8]

28. On IDP profiling, international workshops organized or co-organized by UNHCR, brought together profiling experts from different agencies, NGOs and research institutions. The Guidance Note on Profiling Internally Displaced Persons was published in 2009 as an inter-agency effort. UNHCR is currently hosting the Joint Inter-Agency Profiling Service (JIPS), a project supported by UNHCR, the Danish Refugee Council, the Internal Displacement Monitoring Centre, the Norwegian Refugee Council, UNFPA and the UN Office for the Coordination of Humanitarian Affairs. JIPS is designed to support country teams with profiling exercises, as well as with the compilation and development of profiling training tools and materials.

29. Key steps for further progress include:

- Ensure organization-wide implementation of the "*proGres* in Partnership" project.

- Finalize data protection and data-sharing policies.

- Finalize the UNHCR Registration Handbook in 2010, and enhance support and training for staff and partners in operational data management.

- Continue to support the JIPS initiative to improve profiling methodologies and practices in profiling.

IV. Conclusion

30. Building on progress to date, UNHCR looks forward to engaging with States, other agencies within and outside the UN system, non-governmental organizations, academic and civil society actors, and persons of concern in order to continue enhancing protection capacity in the years to come.

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[8] Regional Registration Officers are currently posted in Kinshasa, Bangkok, Pretoria, Nairobi, Damascus, and Dakar. Operations in the Americas and Europe are supported by Registration Officers based at Headquarters.