



# Ensuring Protection for People of Concern

**U**NHCR's primary role is to ensure international protection for refugees and others of concern and to make sure that their fundamental rights are respected. While the main responsibility for safeguarding the rights of refugees and others of concern lies with States, UNHCR

assists governments to take the necessary measures to assume responsibility for international protection, starting with asylum and ending with durable solutions.

International protection is a dynamic and action-oriented function. It encompasses a range of activities, covering both policy and operational concerns. It is carried

out—in cooperation with States and other partners—with the goal of enhancing respect for the rights of refugees and others of concern and resolving their problems.

The Office's protection role therefore covers a whole spectrum of activities for all populations of its concern, as set out in UNHCR's results framework.



Newly arrived Somali refugees register for assistance in Dadaab, Kenya.

# A favourable protection environment

UNHCR works to promote a favourable protection environment for all populations of concern. It recognizes that inadequate legislation may weaken protection and can have a disproportionate impact on vulnerable groups, such as women and children. UNHCR works with governments and other partners to strengthen their protection capacity and to support the implementation of international protection standards. It also seeks to ensure that the needs of displaced people are included in national and regional development strategies.

## ADEQUATE LEGAL AND ADMINISTRATIVE FRAMEWORKS

UNHCR promotes adherence to international refugee and statelessness instruments, most importantly the 1951 Refugee Convention and its 1967 Protocol. It seeks to develop protection policies and legal standards that respond to operational realities and are in accordance with other relevant fields of international law.

In 2010, UNHCR will celebrate its 60th anniversary and the following year will mark the same for the 1951 Refugee Convention, as well as the 50th anniversary of the 1961 Convention on the Reduction of Statelessness. These will provide opportunities to reinforce commitment to fundamental international protection principles and to explore ways to improve the framework of protection.

UNHCR will continue to provide a forum for multilateral discussions and consensus building on complex protection issues and particular challenges of the 21<sup>st</sup> century, such as forced displacement and climate change. In this regard, the Office will continue to work closely with States on matters relating to international protection, including the implementation of international instruments.

UNHCR will support initiatives that help States develop their protection

regimes for both refugees and stateless persons, and to bring them into harmony with international standards. Where necessary, it will suggest amendments to existing legislation. UNHCR also seeks to strengthen respect for the principles of international protection through interventions in national and regional courts.

In relation to internally displaced people, UNHCR will work with States on adequate national legal frameworks and promote the application of the *Guiding Principles on Internal Displacement*.

UNHCR will implement human rights principles in all areas of its work. It will promote the integration of people of concern into evolving human rights frameworks, intensify cooperation with human rights mechanisms, and provide training for staff in human rights standards.

## PROTECTION-SENSITIVE MIGRATION POLICIES

UNHCR works with governments and other partners to address the concerns of refugees within mixed migratory movements. The main strategic tool in this regard is UNHCR's 10-Point Plan of Action. The Plan has helped to improve legislative and institutional frameworks on refugee and asylum matters in countries experiencing mixed migration movements.

Within the framework of the 10-Point Plan, UNHCR works with countries to address the need for adequate reception conditions, especially for arrivals by sea, and access to asylum procedures. To assist receiving countries, it advocates for more sharing of responsibility among States—while underlining that this does not reduce the international protection responsibility of individual governments.

UNHCR intervenes on behalf of asylum-seekers and refugees threatened

with deportation to uphold the principle of *non-refoulement*. It also monitors borders and detention facilities, and offers training to border police, immigration officials and NGOs, on how to identify those in need of international protection and ensure that they are allowed access to territory.

Since 2008, UNHCR has implemented a three-year project to further develop the 10-Point Plan. In 2010, activities will include a regional conference on refugee protection and international migration in Asia, an expert roundtable on cooperation in mixed migratory movements, and the dissemination of a final set of practical examples on the implementation of the 10-Point Plan.

In 2010-2011, UNHCR will adapt its regional strategies on mixed migration to cope with new developments, including cross-regional mixed secondary movements. It will also cooperate with IOM, OHCHR, IFRC and UNICEF on joint projects and strategies to deal with mixed migration. To provide more support for countries affected by mixed migration movements, UNHCR will establish the necessary structures at Headquarters, create a network of focal points in regional offices, deploy emergency capacity where needed and develop training materials.

UNHCR will also boost its work to protect victims of trafficking. To improve inter-agency cooperation on the identification and protection of victims, the Office and IOM will jointly undertake monitoring missions and staff training. UNHCR will follow up on previous recommendations on States' protection systems for victims of trafficking. It will work with governments to address shortcomings in coordination and referrals between victims of trafficking and asylum systems. Finally, it will look into ways to prevent refugees from falling victim to human trafficking.



**Sudanese refugees from Iraq** arrive at the Evacuation Transit Centre in Timisoara, Romania.

UNHCR / B. SZANDELSZKY

#### **ENCOURAGING LOCAL POPULATIONS TO BE RECEPTIVE TOWARDS REFUGEES**

Advocacy is a key element of UNHCR's activities to protect refugees, asylum-seekers, the internally displaced and stateless people. In addition to working with governments and institutions, it involves intense engagement with the media and the development of campaigns to change public attitudes towards refugees and asylum-seekers. UNHCR will implement such programmes globally to generate moral, political and financial support for its work.

In the forthcoming period, these activities will be combined with information dissemination, monitoring and negotiation efforts, to transform policies and services at the national, regional and global levels, in order to save lives and better protect people of concern.

The Office will raise general awareness about forced displacement and statelessness in countries of asylum and in countries of origin. It will try to change attitudes that directly affect refugees and others of concern, ultimately ensuring that policies, practices and laws are protection-sensitive.

As new situations of forced displacement arise, UNHCR will pursue advocacy efforts to influence governments, non-governmental partners and the public at large to adopt practices and attitudes that guarantee the protection of those of concern.

# Fair protection processes and documentation

UNHCR seeks to ensure that people of concern are treated fairly and without discrimination when seeking protection. It also strives to ensure that all people of concern have access to adequate documentation.

## REGISTRATION AND PROFILING

Registration is essential if refugees are to avail themselves of asylum and protection. In some countries, poor legal frameworks result in refugees being denied basic rights, such as obtaining residence permits or travelling within the country without hindrance. UNHCR works with governments to register asylum-seekers and refugees and helps to issue identity documents. It seeks to ensure that governments do not engage in discriminatory practices, such as denying registration to asylum-seekers from certain countries.

Improving registration, data collection and documentation at all stages of an operation is a priority for UNHCR. In this regard, it seeks to maintain and develop reliable monitoring systems in order to provide the basis for sound analysis of information on displacement.

In 2010, UNHCR will strengthen its registration capacity with the positioning of five new Regional Registration Officers in Asia and Africa. The Office will improve its registration software, *proGres*, by enhancing its data protection features and improving connectivity so that it can be used by all relevant partners. UNHCR will also increase its data management capacity in the field through technical support missions, staff training, the deployment of expert staff, and the development of new data collection tools. More emphasis will be placed on profiling IDPs through a collaborative process. UNHCR will also maintain an emergency stockpile of registration items to cover the needs of 500,000 people of concern.

## REFUGEE STATUS DETERMINATION

States have the primary responsibility for conducting refugee status determination (RSD) for asylum-seekers on their territory. In countries where national asylum systems are not in place or where States are unable or unwilling to assess asylum claims, UNHCR may conduct status determination under its mandate. At present, UNHCR does this in 54 countries. This work provides the basis for subsequent protection interventions, such as the prevention of *refoulement*, the provision of material assistance, and the search for durable solutions.

In 2010, UNHCR will strengthen global protection by increasing the capacity of its RSD operations and helping countries to improve the quality, integrity, efficiency and fairness of their RSD procedures. UNHCR will monitor and analyse RSD trends and oversee national procedures. It will strengthen and harmonize RSD procedures and decision-making through advice, standard-setting, operational support and training. A priority will be to identify context-specific solutions, including for mixed migration flows.

In 2010, UNHCR will continue to incorporate the *Procedural Standards for RSD under UNHCR's Mandate*, published in 2005, into country-specific standard operating procedures. It will also introduce new RSD forms, aimed at improving the quality of decisions, and expand the RSD Community of Practice, an internal online platform for discussions on RSD issues among staff. RSD specialists will be deployed to operations to assist in case processing, help strengthen and harmonize RSD procedures and decision making, and address training needs. In this context, UNHCR will pursue strategic external partnerships.

## PROTECTION INFORMATION

Another way in which UNHCR will improve protection procedures in 2010-2011 will be by placing emphasis on the quality of the relevant information and by training staff to apply international standards in the assessment of evidence. It will work with partners to develop and standardize criteria for the collection, accuracy, credibility and exchange of protection-related information.

Moreover, UNHCR will conduct research on countries of origin and asylum and review eligibility guidelines. It will work with training and research organizations to increase the availability of protection information and to build its capacity to gather and use country-of-origin data. In 2010-2011, the focus will be on responding to queries from RSD officers through a web-based portal, and on training UNHCR staff and local counterparts to evaluate and use country-of-origin information.

## FAMILY REUNIFICATION

UNHCR will promote the reunification of separated families by advocating for a flexible approach to family unity, which covers relationships beyond parents and children, including same-sex and common-law couples. UNHCR will also seek to address administrative procedures that put family members at risk of a long-term separation or raise *non-refoulement* concerns.

## DOCUMENTATION

Proper documentation is essential if refugees are to access services, enjoy their human rights and be protected against *refoulement* and abuse. UNHCR will strive to see that all people under its mandate receive appropriate documentation. It will also work with the International Civil Aviation Organization to ensure that Convention Travel Documents for people of concern meet all current security requirements.

# Security from violence and exploitation

## SEXUAL AND GENDER-BASED VIOLENCE

One of UNHCR's global strategic priorities for 2010-2011 is to intensify efforts to secure a safe environment for people of concern, which protects them from violence and exploitation, particularly sexual and gender-based violence. Awareness-raising and education projects will aim to change beliefs and attitudes that discriminate against women and girls, while basic response services and protection will be provided to victims of sexual violence. A global evaluation of UNHCR's efforts to prevent and respond to such violence is aiding the development of a three year strategy (2010-2012) to guide staff and implementing partners in their work.

Most efforts to eliminate sexual and gender-based violence have focused on women and girls, without adequately considering the role that men can play in this regard. Men and boys are also subjected to sexual and gender-based violence but there are almost no response services targeted at them. In 2008, UNHCR launched a project to begin to address this challenge, which includes training workshops in refugee camps and regional workshops in Africa. In 2010, UNHCR will scale up these activities in Burundi, Kenya, Rwanda and Uganda.

Another critical challenge in the fight against sexual and gender-based violence is the lack of reliable data, making it difficult to detect trends, determine which groups are most at risk, create perpetrator profiles and measure the effectiveness of interventions. UNHCR works with the International Rescue Committee and UNFPA on an information management system to improve the management of data on reported incidents of sexual and gender-based violence. In 2010, the system will become a standard tool in operations.

In 2009, UNHCR tested a new population-based survey methodology to understand the magnitude of sexual and gender-based violence among refugees. This will serve as an additional tool in 2010-2011.

To further strengthen its ability to prevent and respond to sexual and gender-based violence, in 2010-2011 UNHCR aims to:

- Work closely with partner organizations to implement a three-year prevention and response strategy.
- Strengthen the involvement of men and boys in the promotion of gender equality and efforts to address sexual violence.
- Improve the collection, analysis and sharing of data to promote evidence-based planning.
- Provide technical support and training to field operations to facilitate survivor-focused activities, including standard operating procedures and mainstreaming sexual and gender-based violence issues into operational planning.

- Support an inter-agency approach to prevent and address sexual and gender-based violence.

Furthermore, UNHCR will seek to provide all reported survivors of sexual and gender-based violence with essential services, including security, medical care and legal and psychosocial support.

## FREEDOM OF MOVEMENT AND NON-ARBITRARY DETENTION

The administrative detention of asylum-seekers, which is often used by governments without justification, is an important concern of UNHCR. Furthermore, detention conditions frequently do not comply with international legal standards. UNHCR works with governments to explore and promote alternatives to detention,

## ● Age, gender and diversity mainstreaming

UNHCR's age, gender and diversity mainstreaming strategy has helped the Office to: 1) increase the involvement of people of concern in the planning, implementation and monitoring of programmes; 2) better understand the specific needs of diverse groups; 3) emphasize that not everyone enjoys equal access to essential services; 4) focus its protection response through better targeted programme interventions; 5) strengthen partnerships by bringing people together around a common platform; and, 6) improve the implementation of policy priorities.

However, challenges remain in implementing the strategy, such as coordination with NGOs. To institutionalize the strategy, UNHCR has developed a three-year action

plan that includes training staff and making sufficient resources available for its implementation.

In 2010-2011, UNHCR will ensure that age, gender and diversity considerations are fully incorporated in all key organizational initiatives, including results-based management, comprehensive needs assessments and the global accountability framework. The Office will also promote a common approach among UN agencies, governments and NGOs on these issues. The Office's accountability framework on age, gender and diversity mainstreaming will ensure that senior management is held responsible for the promotion of gender equality and the rights of older people, women, children, the disabled and other groups with specific needs.

**FORCED DISPLACEMENT INCREASES THE EXPOSURE OF CHILDREN TO VIOLENCE, EXPLOITATION, ABUSE AND NEGLECT. THEY ARE OFTEN DEPRIVED OF THE MOST BASIC NEEDS AND RIGHTS UNDER INTERNATIONAL LAW, SUCH AS HEALTH, EDUCATION AND FREEDOM FROM DISCRIMINATION.**

including community-care projects, particularly for children and people with specific needs. It also monitors detention conditions and lobbies for improvements where necessary.

UNHCR works closely with the International Detention Coalition, a worldwide alliance of NGOs, to develop, document and promote community-care alternatives to the detention of asylum-seekers and refugees. Though the detention of asylum-seekers and refugees continues to be widespread, there are promising examples of community-care alternatives in Australia, Belgium, Lebanon and the United States. UNHCR and the International Detention Coalition will continue to work with governments to strengthen these programmes.

#### PROTECTION OF CHILDREN

Forced displacement increases the exposure of children to violence, exploitation, abuse and neglect. They are often deprived of the most basic needs and rights under international law, such as health, education and freedom from discrimination. This is particularly the case for refugee children who cannot avail themselves of child protection systems in countries of asylum.

UNHCR recognizes the need for a systematic approach to the protection of refugee children, and the importance of working with child protection agencies. It encourages States to establish and implement non-discriminatory child protection systems in accordance with their international obligations.

The results of UNHCR's 2009 global survey on child protection will provide important baseline data on child protection in the organization's operations. The information will be used to improve child protection capacity in the coming years.

In 2010-2011, UNHCR and its partners will continue to strengthen child protection systems in line with the Global Strategic Priority No. 3.2 on the protection of children. Within this framework, UNHCR will:

- Provisionally release the mapping and assessment tools developed at the end of 2009 under the Child Protection Systems project for pilot implementation. Child protection experts from NGO partners will disseminate the tools across field operations and help build the child protection capacity of UNHCR and partner staff, as well as improve the tools before their final release.



**A reunited Pakistani IDP and his son are returning home to the Swat Valley.**

- Disseminate UNHCR's *Guidelines on Determining the Best Interests of the Child*, including the Arabic and Spanish versions, and ensure their implementation.
- Strengthen the participation of children in participatory assessments and the development of child protection systems.
- Support an inter-agency approach to child protection.

#### GENDER EQUALITY AND THE PROTECTION OF WOMEN

In 2010, UNHCR will launch a policy on gender equality that supersedes the 1991 *UNHCR Policy on Refugee Women*.

Gender equality relies on the meaningful participation of men and women in all stages of the programme cycle, and targeted action to address protection gaps. The gender equality policy articulates five particular areas of concern: 1) working inclusively with men and boys; 2) education for all; 3) the civil and political empowerment of women and girls; 4) economic empowerment and livelihoods for women; and 5) combating sexual and gender-based violence.

In July 2009, UNHCR held a joint seminar with the Committee of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to look at how the Convention could be used to protect women affected by forced displacement and statelessness. Sexual violence and discrimination against displaced women and girls was central to the discussion. The outcome of the seminar provides elements for general recommendations by the CEDAW and strengthens cooperation in areas of mutual interest.

To further its work on gender equality and the protection of women and girls in 2010-2011, UNHCR will:

- Disseminate its Gender Equality Policy and translate it into French, Spanish, Russian and Arabic.
- Encourage staff and partners to use the *UNHCR Handbook for the Protection of Women and Girls*, by producing a series of films on related issues.

- Participate in Inter-Agency Standing Committee activities, in particular the Sub-Working Group on Gender in Humanitarian Settings, to ensure a common approach to gender issues.
- Strengthen women's participation in leadership and economic development activities.

UNHCR will strive to achieve the targets for women's participation in refugee management and leadership committees, as set out in the *High Commissioner's Five Commitments to Refugee Women*. UNHCR will train and mobilize women to address their own problems and strengthen their knowledge of international legal instruments to protect their rights. It will also seek to increase opportunities for displaced women to participate in peace processes by working with other UN agencies and through targeted activities in repatriation countries.

UNHCR will also focus on the economic self-sufficiency of women, including by providing technical and financial support for women's livelihood projects. The aim is to enable women and their families to improve their basic living conditions and to combat survival sex. In addition to providing funds for income-generating activities, UNHCR seeks to raise more resources through the Women Leading for Livelihoods project, which encourages businesswomen to support the economic development of displaced women. The project also addresses operational gaps that affect women, such as shortages in sanitary materials. In 2008-2009, livelihood projects were initiated in Brazil, Costa Rica, the Democratic Republic of the Congo, Kenya, Morocco and Serbia. UNHCR hopes to launch similar projects in more countries in 2010-2011.

#### PROTECTION OF OLDER PEOPLE AND PEOPLE WITH DISABILITIES

UNHCR has initiated a number of activities to build on the momentum created by the entry into force in 2008 of the Convention on the Rights of Persons with Disabilities.

In 2010-2011, the Office will improve the protection of people with disabilities and older people by:

- Training staff to work with groups of people with diverse disabilities, to ensure proper identification and data processing. This is particularly crucial for people with hearing, speech and sight impairments, and those with mental disabilities.
- Developing and implementing policies and guidelines related to people with disabilities and older people.
- Increasing the scope of community-based rehabilitation programmes, with a particular focus on livelihoods and better access to education.
- Coordinating interventions and improving collaboration with inter-agency working groups, such as the IASC Mental Health and Psychosocial Support Group.
- Addressing the specific needs of people in need of psychosocial support by developing a training module for staff.

UNHCR's work in other protection areas includes cooperation with UNESCO to design a peace education programme, which aims to encourage the peaceful coexistence of displaced people and host communities. In 2010, UNHCR will also assess the training needs of staff in order to improve their ability to identify and address the protection risks and needs of older people and the disabled. Furthermore, it will develop a tool for the implementation of UNHCR's policy on refugee protection and solutions in urban areas. This will guide UNHCR and partners on the implementation of a sound individual case management system. Finally, the Office will continue its emergency standby agreements to strengthen its community services and child protection capacity in emergency situations. ■