

UNHCR Manual on Security of Persons of Concern

60
YEARS • ANS

 **UNHCR**
The UN Refugee Agency

Acknowledgements

This UNHCR Manual on Security of Persons of Concern is the product of the collaborative initiative of UNHCR staff worldwide led by the Division of Emergency, Security and Supply, in cooperation with the Division of International Protection.

The Division of Emergency, Security and Supply particularly wishes to thank the many colleagues in the Field and at Headquarters who contributed to the process of drafting of this First Edition of the Manual by providing concrete inputs, based on their rich experience in addressing security threats to persons of concern.

First Edition, November 2011

© United Nations High Commissioner for Refugees, Geneva, November 2011

This document is issued by the Office of the United Nations High Commissioner for Refugees for general distribution. All rights are reserved.

Reproductions are authorised without the prior permission of UNHCR, provided that all parts are distributed free of charge and UNHCR is acknowledged.

Please address any comments, feedback and any requests for additional copies of the UNHCR Manual on Security of Persons of Concern to:

Field Safety Section, Division of Emergency, Security and Supply
UNHCR Headquarters
Case Postale 2500
CH-1211 Geneve 2 Dépôt
Switzerland
Telephone: +41 22 739 8628
Fax: + 41 22 739 73 04
Email: HQFS00@unhcr.org



UNHCR Manual on Security of Persons of Concern

Geneva

First Edition, November 2011

Foreword

Working in close partnership with States and other actors to ensure the safety and security of the people we serve is a key protection function. I am therefore pleased to introduce this first edition of the Manual on Security of Persons of Concern.

In 2009, UNHCR carried out a comprehensive review of the organization's approach to the safety and security of staff, operations and persons of concern, including an examination of security preparedness. That same year, the first UNHCR security audit recommended a review of existing policies and procedures. It encouraged the development of tools to help protection and security staff work together to identify and prevent security risks. In response, I announced the UNHCR Security Management Plan of Action and Strategy for Implementation: a series of measures to enhance security management throughout the organization. This Manual is a critical component of this strategy.

Over the past sixty years, UNHCR staff and partners have worked on a daily basis to address threats to the safety and security of people of concern. We do so often under very challenging circumstances, both in times of peace and during situations of armed conflict. This Manual draws on this extensive experience and serves as a practical guide for UNHCR staff, as well as national and international partners and other humanitarian actors. It offers a menu of options for action which can reduce the occurrence and mitigate the effects of common security risks. We hope it will be used as a living document, to complement existing references and guidelines and to reinforce a multidisciplinary approach to resolving security problems.

The first edition of this Manual will be rolled out to UNHCR operations worldwide in 2011. It will periodically be revised, enriched, and expanded, based on the feedback received from staff and partners.

With the continued commitment of all concerned actors to working in partnership, I am confident that we can attain the goal of enhancing the physical security of persons of concern to UNHCR.

A handwritten signature in black ink, appearing to read 'António Guterres', with a long, sweeping horizontal stroke extending to the right.

António Guterres
United Nations High Commissioner for Refugees
November 2011

Table of Contents

Foreword	iii
Acronyms and Abbreviations	3
Introduction	7
Introduction	9
Problem and Cause Analysis	12
Part One: Threats	17
1.1 Persons of Concern Engaged in Gang Violence	19
1.2 Protests, Demonstrations and Group Disturbances	25
1.3 Tension and Conflict between Groups of Persons of Concern	33
1.4 Tension and Conflict between Persons of Concern and Host Communities	39
1.5 Banditry	47
1.6 Kidnapping, Abduction, Disappearance and Hostage Taking	51
1.7 Physical Attacks on Camps and Settlements	57
1.8 Physical Attacks on Persons of Concern	65
1.9 Presence of Combatants and Armed Elements among Persons of Concern	73
1.10 Abuse of Power by Persons of Concern	83
1.11 Abuse of Power, including Corruption and Exploitation, by Humanitarian and Peacekeeping Actors	89
1.12 Abuse of Power, including Harassment and Corruption (not committed by Persons of Concern or Humanitarian and Peacekeeping Actors)	99
1.13 Verbal Harassment and Spread of Rumours	109
1.14 Domestic Violence	117
1.15 Exploitation	127
1.16 Human Trafficking and Smuggling	133
1.17 Self-harm	147
1.18 Sexual Violence and Harmful Traditional Practices	155
1.19 Unlawful Killings	165
1.20 Detention	175
1.21 <i>Refoulement</i> and Arbitrary Expulsion	183

1.22	Improvised Explosive Devices and Crossfire	195
1.23	Landmines and Unexploded Ordnance	201
Part Two: Responses		209
2.1	Access to Essential Services and Basic Needs	211
2.2	Site Selection and Planning	219
2.3	Access to Primary Health Care and Counselling	225
2.4	Access to Mental Health and Psychosocial Support Programmes	231
2.5	Enhance the Capacity of National Institutions and NGOs	237
2.6	Access to Justice	245
2.7	Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats	253
2.8	Adherence to International Norms and Standards in Law and Practice	259
2.9	Promote the Use of the Code of Conduct	267
2.10	Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes	271
2.11	Training on Human Rights, Refugee and International Humanitarian Law	277
2.12	Screening Points and Reception Centres	285
2.13	Efficient Status Determination Procedures	291
2.14	Ensure Registration and Documentation	299
2.15	Resettlement	309
2.16	Livelihoods	317
2.17	Local Integration	323
2.18	Community Awareness and Mass Information Campaigns	329
2.19	Coexistence Measures	335
2.20	Deployment of Security Personnel in Assistance to UNHCR Operations	343
2.21	Presence and Effectiveness of Police in Camps, Centres and Settlements	349
2.22	Internal Relocation and Safe Houses	355
Further References		363

Acronyms and Abbreviations

AGD	Age, Gender and Diversity
AGDM	Age, Gender and Diversity Mainstreaming
AFSA	Associate Field Safety Adviser
AHC(P)	Assistant High Commissioner (Protection)
BBIED	Body Borne Improvised Explosive Device
BID	Best Interests Determination
CAT	Convention against Torture
CBOs	Community-Based Organizations
CEDAW	Committee on the Elimination of Discrimination against Women
CSOs	Civil Society Organizations
DDR	Disarmament, Demobilization and Reintegration
DFS	Department of Field Support
DIP	Division of International Protection
DPKO	Department of Peacekeeping Operations
DSA	Daily Subsistence Allowance
ECHR	European Convention on Human Rights
ETF	Emergency Transit Facilities
EU	European Union
EUFOR	European Union Force
FGM	Female Genital Mutilation
FSA	Field Safety Adviser
FSCO	Field Security Coordinating Officer
FSS	Field Safety Section
GIS	Geographical Information Systems
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HIVIS	HIV Information System
HQ	Headquarters
HRIT	Heightened Risk Identification Tool

ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ID	Identity Document
IDF	Indirect Fire
IDP	Internally Displaced Persons
IEDs	Improvised Explosive Devices
IFRC	International Federation of Red Cross and Red Crescent Societies
IGO	Inspector General's Office
IGOs	Intergovernmental Organizations
IHL	International Humanitarian Law
ILO	International Labour Organization
IMAS	International Mine Action Standards
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
IP	Implementing Partner
IT	Information Technology
ITC	Information Technology and Communications
KADH	Kidnapping, Abduction, Disappearance and Hostage Taking
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LOU	Letter of Understanding
MAIED	Magnetically Attached Improvised Explosive Device
MFT	Multifunctional Team
MOI	Ministry of Interior
MOU	Memorandum of Understanding
MPs	Members of Parliament
NATO	North Atlantic Treaty Organization
NFI	Non-Food Items
NGO	Non-Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs (UN)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PBIED	Person Borne Improvised Explosive Device

PEP	Post-exposure Prophylaxis
PHC	Primary Health Care
PI	Public Information
QIPs	Quick Impact Projects
RCIED	Radio Controlled Improvised Explosive Device
RPG	Rocket Propelled Grenade
RSD	Refugee Status Determination
SAF	Small Arms Fire
SGBV	Sexual and Gender-Based Violence
SMS	Short Message Service
SNC	Specific Needs Codes
SOPs	Standard Operating Procedures
SRA	Security Risk Assessment
SRH	Sexual and Reproductive Health
SSR	Security Sector Reform
SVB	Suicide Vest Bomber
TSS	Technical Support Section
UN	United Nations
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMAS	United Nations Mine Action Service
UNODC	United Nations Office on Drugs and Crime
UVBT	Under Vehicle Booby Trap
UXO	Unexploded Ordnance
VBIED	Vehicle Borne Improvised Explosive Device
VCIED	Vehicle Concealed Improvised Explosive Device
VHF	Very High Frequency
WFP	World Food Programme
WHO	World Health Organization

Introduction

Introduction

Effective humanitarian action requires UNHCR and its operational partners to be close to persons of concern. Because UNHCR is mandated to protect and assist refugees and people displaced by conflict, it must manage risk while continuing to operate, and assist persons of concern, in some of the most volatile and insecure environments in the world. In doing so, it is not just the number and scale of (domestic) conflicts that need to be considered, but also the role of external actors. Group fragmentation within conflicts creates conditions in which armed resistance groups, warlords, paramilitary or mercenary forces, and transnational terrorist networks, are likely to flourish, heightening insecurity for persons of concern. The risk that persons of concern will be targeted by warring factions has increased. Their security is regularly compromised and they may face physical insecurity, gender violence, exploitation, threats to their health (for example from HIV-AIDS), *refoulement* (in the case of refugees), and restriction of other basic rights. These and other threats are identified in this Manual.

In the last decade, attacks on humanitarian workers have increased, while humanitarian access has been constricted. Both trends have a direct impact on the capacity of humanitarian organizations to deliver life-saving services. Assistance to persons of concern is often delayed and they are sometimes totally deprived of support for lengthy periods. The response of humanitarian organizations has been to shift from risk aversion to risk management. The enabling security approach focuses on “how to stay” as opposed to “when to leave” and has been adopted in the UN system and by many other organizations. The risk management paradigm focuses among other issues on programme criticality: how to deliver critical humanitarian assistance to persons of concern in complex and security sensitive environments. *Stay and Deliver – Good Practice for Humanitarians in Complex Security Environments* (OCHA, 2011) emphasizes that governments and the public at large expect humanitarian organizations to remain operational through the early stages of crises, when security risks are often at the highest level. To manage the risks, organizations must have the skills and capacity to engage, communicate and negotiate with all relevant actors. The principle that NGOs, other UN Agencies and the wider UN community should work

through inclusive partnerships of coordination and cooperation has proved invaluable when operating in high-risk environments.

The principles of risk management are enunciated in the Framework of Accountability of the United Nations Security Management System, which specifies the responsibilities and accountabilities of United Nations officials and personnel. The United Nations Security Management System has also adopted the “how to stay” (as opposed to “when to leave”) approach, and its objective is to establish and maintain operations in insecure and unstable environments. “In accepting responsibility and accountability for security management, it is recognized that fatalities and/or casualties may occur, even though appropriate efforts are being made and measures implemented to reduce to an acceptable level the risks to United Nations personnel, premises and assets.”

If they are to uphold their mandated operational principles and international humanitarian law principles in conflict areas marked by impunity and the proliferation of non-State actors, humanitarian agencies will need to develop approaches that will effectively maintain access to persons of concern in the long-term. Because the fundamental imperative is to safeguard their security and well-being, humanitarian organizations need to take account of any apparent deterioration in the wider security environment. In the medium-term, the expectation is that both persons of concern and international humanitarian organizations will be confronted by more serious challenges. Some of these will be peaceful, but others will take a violent form.

Objectives of the Manual

UNHCR’s security concerns prioritize the operationalization of an integrated approach to security risk assessment and management. In addition to staff safety, the safety and well-being of persons of concern is a primary responsibility. The Division of Emergency, Security and Supply, in cooperation with the Division of International Protection (DIP), has produced this Manual to provide UNHCR staff, and the staff of implementing partners, with guidance on how to respond at field level to recurring security threats against persons of concern. The Manual draws on principles of good practice, UNHCR’s long experience of protecting persons of concern, and the expertise of the Field Safety Section (FSS). A Field Reference Group also contributed significantly. The Manual is an operational guidance tool

that complements existing UNHCR guidelines which should be used as a reference.

The majority of attacks on humanitarian personnel in the past decade have occurred in a small number of countries, such as Somalia, Afghanistan, Pakistan, and Sudan. Globally, these represent the most complex and volatile environments at the present time. Attacks in these settings have become more lethal and sophisticated, and have been associated with a dramatic rise in the number of kidnappings. As a result, while violence has surged in such areas, in recent years the humanitarian presence has decreased. Initially, this was directly because of the violence. Secondly, however, governments, militaries and non-State actors have imposed obstacles and conditions on the delivery of assistance and protection to persons of concern. As they have adjusted to these new or evolving circumstances, humanitarian organizations have enhanced their risk management capacities and developed a range of strategies and operational practices to increase their acceptance by all actors and their access to persons of concern. The Manual offers a range of practical solutions to gain, maintain and increase the protection and security supports offered to persons of concern.

Intended audience

Securing the safety and security of persons of concern is a responsibility shared by all UNHCR staff, operational partners and the wider UN community. The Manual is primarily for use by UNHCR staff in the field (at all levels and with all functional backgrounds), and their international and national partners (including government counterparts and stakeholders). The Manual aims to further strengthen the ability of UNHCR and its partners to coordinate and cooperate in all operational environments.

How to use the Manual

The Manual is a practical guide whose contents and relevance should be continuously reviewed and updated.

Part One presents twenty-three of the most common security threats that persons of concern face in diverse security and protection contexts. Each threat begins with a **scenario**, designed to help staff and partners relate the issue to their everyday work. The information on each threat is then organized into subsections. **What is it?** and

What is covered in this topic define and describe the threat, using typical situations and examples. They are followed by a section on **Possible causes and triggering factors** and one on **What to consider**, which provides staff with some tools for analysing risk. The section **Immediate action** describes what to do when the threat has just occurred, while **Preventive action** looks at measures that can be taken to mitigate the occurrence of the threat. **Relevant responses** refers the reader to some of the most relevant responses discussed in **Part Two** of the Manual; these can be accessed via the electronic hyperlinks provided. **Further references** provides a reading list.

Part Two presents twenty-two responses that staff and partners can apply separately or in combination to prevent or mitigate particular security threats to persons of concern. These too are organized in a common format and many of them include an **Example** that is based on a real case from UNHCR's experience. **Definition, what is it?** is followed by **Purpose, why is it useful?**. A **Description of the response** sets out some key questions and steps that need to be taken when applying the Response in question; **Further considerations** enlarges on these. Each Response concludes with a list of **Further references**.

Problem and Cause Analysis

UNHCR and its partners often operate in zones of international and non-international armed conflict, in urban areas and camps, and in protracted refugee, stateless and IDP situations. One of the most pressing concerns they face is how to ensure the security of persons of concern.

States have the primary responsibility to ensure the physical security of persons of concern. Yet, in practice, they are often influenced by their own security interests. Persons of concern to UNHCR are thus often perceived as creators of instability and insecurity in host societies and communities. This, alongside other factors, exposes them to a multitude of security threats: from organized crime, errant military and police forces, anti-government militants, local populations, but also from within the community of persons of concern itself.¹

The traditional perceptions of security purely in terms of the State's territorial integrity, have been succeeded by the new concept of

¹ UNHCR, *The State of The World's Refugees 2006: Human Displacement in the New Millennium*, Chapter 3: *Addressing Refugee Security*, 20 April 2006.

human security. This considers the security of non-State actors, such as persons of concern to UNHCR, and takes account of a wider range of risks and threats, in addition to those caused by violent attacks or military activities.²

Thus, insufficient or irregular supplies of food can lead to existential insecurity (threats to survival), that not only endangers the lives of persons of concern but may trigger tensions and conflicts between groups of persons of concern, group disturbances, or serious crimes and abuse of power by all actors (including persons of concern). Lack of a secure legal status may also cause a wide range of security threats, including harassment, intimidation and abuse of power, conflicts between host communities and persons of concern, arbitrary detention and expulsion, and *refoulement* of persons of concern.

When they conduct a problem and cause analysis of security threats affecting persons of concern to UNHCR, staff should therefore follow the same guidelines and logic that they use to analyse other protection gaps or problems and their underlying causes.

UNHCR has produced two frameworks for analysing gaps in the protection of refugees and stateless persons: the *Protection Gaps Framework for Analysis: Enhancing Protection of Refugees*, 2nd Edition (2008); and *Statelessness: An Analytical Framework for Prevention, Reduction and Protection* (2008). These documents provide the foundation both for the *UNHCR Results Framework* and for *Focus*, the corresponding software that UNHCR uses for planning.

Two documents produced under the auspices of the Inter-agency Standing Committee provide similar tools for assessing the situation of IDPs: *Protection of Conflict-Induced IDPs: Assessment for Action* (February 2008); and the *Handbook for the Protection of Internally Displaced Persons* (June 2010).

When faced by any of the security threats described in this Manual, staff should therefore always consult the relevant protection gaps analysis framework and the latest *UNHCR Results Framework* (which currently covers the period 2012-2013).

These frameworks for analysing protection gaps use questions to highlight the principal protection issues, including security issues that arise. The answers given show whether a particular standard of international law is respected or not. If the standard in question is

² *Op. cit.*

not respected then a *gap* (a problem) exists. *Focus* provides a list of *problems* and their *causes* which staff can match with the problem they face. Once a problem has been selected, *Focus* automatically generates an objective. Staff are required to describe identified problems in every country or regional operations plan. Once an objective has been generated, staff select outputs for planning purposes. These are the expected outcomes of activities that staff will undertake to address the causes of the problems they have identified. Staff are also free to select indicators for measuring the progress they make towards the desired outcome.

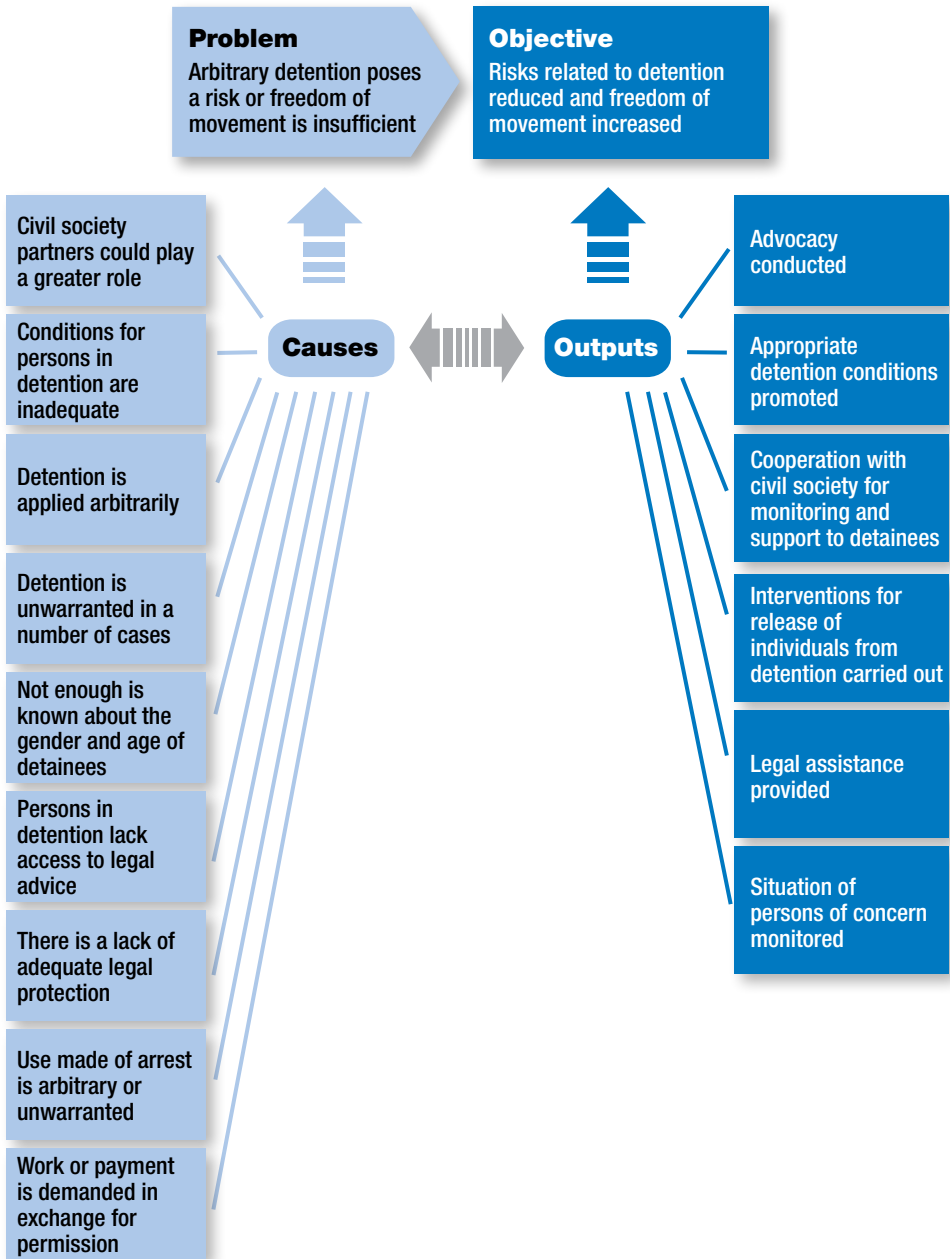
Some of the security **Threats** described in this Manual have been identified as problems in the *UNHCR Results Framework* (for example, detention and *refoulement*). While others are not depicted as separate problems in the *UNHCR Results Framework*, many of their common causes and triggering factors are presented as such.

The **Responses** in this Manual provide guidance on operational activities that staff might wish to undertake to address the causes of security problems and threats they have identified. They are comparable to the objectives of the *UNHCR Results Framework*, and are to be applied in a similar way, in combination.

When they analyse a specific security problem (threat or gap or risk), staff will undoubtedly be able to identify a multitude of causes across a range of fields (security, legal, administrative, social, etc.). They should therefore take into consideration the areas of concern set out in the *UNHCR Results Framework*, across all its rights-based groups, including but not limited to the rights-based group on Security from Violence and Exploitation. Such an analysis of security threats (and their causes and triggering factors) will allow staff to design the objectives (and appropriate activities) of their country and regional operations plans in a manner that would help minimize the risk of their occurrence.

The following diagram is based on the *UNHCR Results Framework* for 2012-2013. It depicts the problem of arbitrary detention and insufficient freedom of movement, and outlines its causes, outputs (activities that will be undertaken to address them), and the objective (generated automatically). The diagram illustrates the logic underpinning the problem and cause analysis that staff should use when they assess security threats.

Rights Group: Security from Violence and Exploitation
Area of Concern: Detention and Freedom of Movement



Part One

Threats

1.1 Persons of Concern Engaged in Gang Violence

Groups of youth and young adults emerged among the refugee population in various neighbourhoods of the capital of the host country. Each focused on hip-hop culture and had a specific slang, attitude and style of dress. These groups started engaging in “gang violence” and criminal activities, including theft, robbery, and destruction of property. In most cases, they targeted each other and, since they were often armed with knives, there were many injuries and some deaths. Their behaviour scared other persons of concern living in the same neighbourhoods. (Hypothetical scenario based on real experiences.)

What is it

Persons of concern to UNHCR involved in organized and violent group activities.

What is covered in this topic

This topic provides guidance on possible responses in situations where:

- Young people (particularly adolescents and young adult men) among persons of concern are at risk.
- These young people join gangs that give them social legitimacy and an identity.
- Violence occurs within the community of persons of concern, largely between the gangs, but also affecting coexistence with the local community.
- Law enforcement is limited or ineffective.

Possible causes and triggering factors

- Opportunities to acquire education or skills are not available.
- Prospects for self-reliance and livelihoods are limited.
- Social support networks do not exist or young people at risk among persons of concern are alienated from them (networks of the older generation, for example).

- Young people at risk among persons of concern have lost hope in their future prospects.
- Marginalization.
- Violence is accepted as part of life (also as a result of experience prior to displacement, for example as child-soldiers or child-slaves).
- Coping mechanisms are lacking.

What to consider

-
- Do those at risk also establish non-violent groups that provide them with social support networks and an identity?
 - Have you considered engaging with such groups?
 - Do you make your work with members of groups engaged in gang violence conditional on renunciation of violence?
 - Do any programmes or interventions target youths-at-risk specifically? Can they be integrated in other community-based interventions?
 - To what degree are youths-at-risk alienated and marginalized?
 - How are local law enforcement authorities addressing criminal and violent activities by members of such groups?
 - Is there a general climate of impunity? Do persons affected by criminal gang activities believe that their grievances will be addressed, or not?
 - How do young people among persons of concern perceive UNHCR and its partners?
 - Given your operational context, can you (re)-establish dialogue and trust, in cooperation with civil society or other actors who are not currently involved in protection or assistance activities, with the community of persons of concern in general?

Immediate action

-
- Collect, confirm and analyse information on incidents.
 - When planning your response, ensure that staff with expertise in all relevant areas are involved (protection, field safety, programme, community services, etc.).
 - Involve and engage with community leaders and organizations.
 - Establish a confidential reporting mechanism for persons of concern to use, when they are affected by gang violence.
 - As appropriate, support persons of concern if they wish to report to the law enforcement authorities incidents of violence and criminal activity that have affected them.
 - Involve local law enforcement authorities as appropriate.
 - Consider establishing communication links with and within groups of persons of concern engaged in gang violence.

Preventive action

Consultation

-
- Organize informal bilateral consultations with all stakeholders at an early stage to understand the causes and extent of the threat.
 - Use such consultations to determine whether the links between persons of concern and different stakeholders (CBOs, NGOs, religious institutions, host community structures, educational facilities, etc.) still function or have been severed by gang violence. The degree of alienation and marginalization of persons of concern will impact the strategy and interventions.
 - Establish, directly or indirectly, avenues for contact, dialogue and eventual engagement with members of groups engaged in gang violence, with a view to enabling a participatory assessment.

- Consider involving existing community structures in efforts to address the problem.
- Prior to developing programme interventions, ensure wide consultations with stakeholders, including possible donors and host country authorities, to ensure that the support offered will be accepted and sustainable.
- At the outset of a refugee or forced displacement situation, undertake profiling, participatory assessment and focused group discussions that include adolescents and young adult men.
- Seek to understand the scope, context and dynamics of responses by local law enforcement authorities, if any.

Intervention

- Based on your assessment, which should include the perspective of concerned youth (adolescents and young adult men), identify possible interventions that:
 - Reach out to the specific groups and seek to re-engage with them.
 - Provide safe space(s) for young adults to engage in educational, recreational, sports and other activities.
 - Create opportunities for young adults to develop skills and become self-reliant.
- Review and apply vulnerability and ‘special needs’ criteria, taking account of the context, to ensure that the specific needs of adolescents and young adult men are considered by operational responses and interventions.
- Consider educational, skills development and self-reliance interventions, including the creation of ‘safe’ (for example recreational) spaces for youths-at-risk (adolescents and young adult men).

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
 - 2.22 Internal Relocation and Safe Houses
-

Further references

- UNHCR, *No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa*. At: <http://www.unhcr.org/3e2d66c34.html>.
- Forcier, Natalie, *Divided at the margins – A study of young Sudanese refugee men in Cairo, Egypt*, November 2009. At: http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/Divided_at_the_Margins_Forcier_2010_Final_for_Publication.doc.
- UNHCR, *Living in a World of Violence: An Introduction to the Gang Phenomenon*, DIP Legal and Protection Policy Research Series, July 2011. At: <http://www.unhcr.org/refworld/docid/4e3260a32.html>.

1.2

Protests, Demonstrations and Group Disturbances

In the early morning, the security forces entered a park in the capital of the host country to clear a demonstration staged by several hundred refugees and asylum-seekers. For the previous three months they had occupied the park, protesting against their treatment in the host country and the lack of solutions to their problems. In the mêlée that ensued, 29 people were killed and at least 75 wounded. (Hypothetical scenario based on a real experience.)

What is it?

Group disturbances, demonstrations or protests involve people gathering together to object to an issue, make their position or grievances known, or attract attention. If a disturbance involves acts of violence, causing immediate danger to those involved or others, or results in damage or injury to the property or person of other individuals or organizations, it becomes civil disorder or disturbance.

What is covered in this topic

This topic provides guidance on handling group disturbances and planning events that involve large groups of people (for example, at distribution sites, in camp settings, or during RSD and registration procedures). Examples of group incidents include protests, demonstrations, riots, occupations and sit-ins, and hunger strikes.

Possible causes and triggering factors

- Basic needs, expectations or demands are not met.
- Policies are unpopular, change suddenly, are not understood, or are unevenly applied.
- Communication is inadequate, including feedback and the sharing of information with persons of concern.

- There are perceptions of abuse of power, favouritism, improper or unethical behaviour.
- Deliberate sabotage to disrupt a process (for example, food distribution or registration).
- People are not uniformly treated with respect and sensitivity.
- People are tired of waiting.
- Security and other deterrent measures are inadequate.
- Attempts to lodge complaints are perceived to have been unsuccessful or useless.
- Underlying anger within a group is triggered by an unrelated event or an event in another part of the world.
- Some “benefits”, legitimate or not, are about to be withdrawn (for example, following a comprehensive registration process, a reduction or cut in UNHCR’s assistance).
- Little or no attention is given to Age, Gender and Diversity mainstreaming (AGDM).

What to consider

-
- Though a gathering is peaceful at the start, is the number of protesters likely to increase? Will this complicate efforts to reach a solution?
 - Is it wiser to pre-empt the problem by acting quickly or allow it to defuse gradually over time? (The answer will ultimately depend on the situational or operational context.)
 - If law enforcement authorities become involved, do they have the capacity to manage the situation? Is the outcome likely to be acceptable from UNHCR’s perspective?
 - If the crowd turns into a mob, what effect will this have on the negotiation process?
 - How can you identify and communicate with individuals who can represent the crowd, as their leaders?

- How do you seek representatives of the various sub-groups of persons involved in, or concerned by, the demonstration? (The identification of these individuals should make it possible to bring forward all relevant issues.)
- How can discussions with representatives of the crowd be conducted in a safe, dignified and non-threatening environment?
- Will the provision of access to basic needs and services at the protest site only prolong the protest?

Immediate action

If a crowd situation has developed

- Remain calm and assess the situation. Does violence appear likely or imminent?
 - If so, do not approach. Call for law enforcement support and warn others.
 - If not, approach only if (a) you are not alone and (b) you have means of communication.
- Explain that you cannot negotiate with a crowd, but that you will discuss calmly with its leaders. Be alert for changes in the situation. If violence appears imminent or has started, do not hesitate to call for law enforcement support and withdraw staff to a safe location.
- After the danger has passed, report the incident, following Standard Operating Procedures.

When negotiating with leaders

- Try to find a quiet and comfortable (e.g. shaded, warm, etc.) location where you can be seated. You may have to set the example by sitting first.
- Maintain your poise and dignity. Be firm but avoid any type of confrontation.
- Take a problem-solving approach. Try to determine the protesters' goals.

- Where necessary, insist on respect of basic ground rules, for example, no violence, threats or other hostile language.
- Adopt a win-win approach, explain its benefits to leaders, and invite them to do the same.
- If interpreters are needed, ensure that they are accepted by all parties.
- Set up good faith mechanisms for further communication.

In cases of protracted protests (occupations or sit-ins)

- Ensure that everyone in the group is seated (if possible) and comfortable, and receives information regularly.
- Seek to agree on clear limits to the location, duration and scope of activities of protest.
- Designate a lead negotiator and separate staff from the protesters.
- Give due attention to the situation of persons within the group who have specific needs.
- Keep host country authorities and UNHCR Headquarters informed.
- Consider assistance from reputable third parties, for example the international community.
- Take care of your own emotional welfare and that of staff, for example by discussing with colleagues the problems you are encountering.
- Call on law enforcement if violence is imminent or if time limits have passed.

In the event of a hunger strike

- Be aware that hunger strikes are illegal in some countries.
- Designate a lead negotiator and seek to understand fully the reasons behind the hunger strike.

- Arrange for a daily medical check-up.
- Ask regularly about the protesters' health.
- Have food and water on stand-by.
- Have a vehicle on stand-by for medical or other emergencies.

Preventive action

If you are organizing an event where large crowds are expected

- Seek security advice (from the FSA, FSCO, etc.).
- Conduct a risk assessment and develop a contingency plan. What could go wrong and what will you do if that happens?
- Alert law enforcement and consider appropriate degrees of presence.
- Inform yourself of the capabilities of guards, and other first line responders as well as law enforcement staff, and make them aware of your needs.

If there is a potential danger of crowd violence

- Ensure that a complaints and feedback mechanism is available to persons of concern. Make it clear that complaints will only be dealt with in an orderly manner.
- Establish a mechanism for emergency meetings.
- Do not encourage people to gather in a crowd unless you can meet their needs or demands. Be careful about attending public meetings where grievances are to be aired and refrain from engaging in unruly group discussions. It may be better to discuss grievances in smaller focus groups.
- Ensure regular managerial oversight and relief of staff who handle sensitive cases face to face or meet populations of concern in conditions that require intense engagement.

Communicate plans and procedures for an event

- When planning, ensure that representatives attend from all the agencies or authorities that have a role to play.
- Agree ground rules in advance. Specify and limit the number of participants. Specify the time, location and scope of meetings and activities.
- To the extent possible, and taking age, gender and diversity into account, involve community leaders in planning and organization, and use them to control the crowd.
- Regularly provide clear messages to all parties about the plans (to the extent possible).

Consider the layout of the event's location

- Is there a logical and orderly “flow” for the event?
- Are the facilities adequate for what you are trying to accomplish?
- Are there emergency exits?
- Is the surrounding area free of equipment and debris?
- Are amenities available and appropriate (seating, shade, toilets, etc.)?

Other planning considerations

- Ensure that there is both a communications and a media plan.
- Ensure that a sufficient number of staff and partners of appropriate profile are involved.
- Ensure that a plan is in place for the transportation and mobility of staff.
- Arrange stand-by medical care for possible injuries.
- Ensure that appropriate language skills are available and taken into consideration (for translation of messages, interpretation, etc.).

- Consider fire precautions.
- Establish follow-up procedures.

Preventive considerations

- Get to know the population of concern, and anticipate any potential grievances, frustrations, conflicts or harmful rumours.
- Establish or maintain a dynamic multifunctional team to regularly review and highlight the concerns of the various sub-groups of the population of concern, using participatory assessment. Their work will enhance communication and information sharing with persons of concern, and dispel potential rumours.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.12 Screening Points and Reception Centres
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures

- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

-
- Inter-Agency Standing Committee, *Handbook for the Protection of Internally Displaced Persons*, June 2010. At: <http://www.unhcr.org/refworld/docid/4790cbc02.html>.
 - UNHCR, *Guidelines for Handling Protests, Demonstrations and other Group Disturbances among Refugees*, 15 September 2004 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/48b2c8112.html>.
 - UNHCR, *Protection Guidelines Relating to Refugee Security*, 3 May 1999. At: <http://www.unhcr.org/refworld/docid/4124bee54.html>.
 - UNHCR, *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3ea6c2104.html>.

1.3

Tension and Conflict between Groups of Persons of Concern

Having fled civil conflict in their country of origin, some 25 refugees who are members of one ethnic group allege mounting tensions with other refugees from the same country of origin, of different ethnicity, who share the camp to which they have been allocated in the host country. Members of the group state that their lives will be threatened unless UNHCR takes immediate action to assist and protect them. (Hypothetical scenario based on real experiences.)

What is it?

Situations where differences of interest, perception or opinion among persons of concern may result in disagreement, generating feelings of hostility. These can lead to violent incidents if not addressed in a timely manner.

What is covered in this topic

This topic provides guidance on handling tensions and conflicts that involve two or more groups of persons of concern, in camps but also in urban settings.

Possible causes and triggering factors

- Differences of nationality, ethnicity, religion or political affiliation.
- Fear of reporting incidents.
- Ineffective feedback or response mechanisms.
- Competition for limited resources.
- Perceived or actual discrimination and stereotyping of one group by another.
- Competition for resettlement opportunities.
- Unfair representation in decision-making forums in the community of persons of concern.
- Differential treatment of registered and unregistered persons of concern, or other forms of preferential or inequitable treatment by government, non-government or humanitarian actors.

- Tensions and conflicts which existed within populations of concern in the country of origin, sometimes exacerbated during displacement.

What to consider

-
- Are tensions and conflicts being dealt with in a timely fashion, in a manner that protects the safety and security of persons of concern and staff?
 - Are persons of concern, local communities, local authorities and other actors involved in efforts to prevent or mitigate tension?
 - Are responses to the incidents adequate, taking account of the intensity of the tension or conflict, the number of persons of concern affected, the history of displacement within the country, and the effectiveness of law enforcement authorities?
 - Have the consequences of calling in national or international security forces been assessed?

When interacting with the communities

- Could your action or intervention be perceived as one-sided or biased?
- Is your approach to conflict resolution sufficiently transparent?
- Have you considered the long-term repercussions of your actions?

Immediate action

-
- Establish basic facts, and inform managers, security colleagues and relevant local authorities as appropriate.
 - Where possible, talk to persons involved in, or knowledgeable about, the incidents and try to establish the facts in detail (who, why, what, where, and the scale of the threats or risks to persons of concern).
 - If the physical security of persons of concern is at immediate risk, alert law enforcement

authorities. Additionally, engage relevant sectors to respond immediately and undertake contingency planning (health, community services, protection, etc.).

- Consult and involve community leaders and representatives, NGOs, community-based organizations, religious groups and other civil society actors, because they can help to defuse tensions and identify solutions.
- Where it is appropriate and safe for staff, UNHCR and other UN and humanitarian actors should maintain a visible presence to deter further tensions and conflict between communities.
- Internally relocate a group or individuals if the situation requires. (In some circumstances, emergency resettlement may be the only option.)

Preventive action

Work with communities

- Conduct an informal or formal conflict analysis (including risk assessment), using an Age, Gender and Diversity approach, to identify the root causes of the conflict and its possible evolution. Consult the broadest possible array of sources in a neutral and objective manner.
- Establish or make use of existing information networks (such as Community Policing Initiatives or Community Watch Teams) to detect the threat or outbreak of conflicts.
- Use the multifunctional team to regularly review and highlight the concerns of the various sub-groups of the population of concern, and improve communication with them, through participatory assessments.
- Ensure that accurate information reaches all relevant community groups, including children, adolescents, older persons, and persons with disabilities. Use different forms

of communication and dissemination of information to reach all groups.

- To ensure their needs are met, promote the inclusion of persons of concern in local initiatives. Implement activities that promote communication and cultural awareness.
- Work with children and youth in peacebuilding and conflict-transformation initiatives, as part of their extra-curricular activities (for example, sport and cultural events).
- When planning or designing camp arrangements, consider ethnic and religious differences.
- Ensure also a proper camp set-up is in place (lighting, layout, security arrangements, etc.), when planning the camp design and development.

Involve the host government, community leaders, civil society actors, national and international security forces

Involve host government and community leaders.

- Alert law enforcement authorities as deemed appropriate.
- Provide training on mediation and negotiation skills to relevant stakeholders, to promote the peaceful resolution of conflicts.
- Identify leaders who have a positive attitude to conflict resolution, and support and strengthen their roles. In parallel, identify leaders or community members whose attitudes are negative and work with them too, because they may incite tensions and conflict. Try to involve leaders with a positive attitude in this work.
- Meet community leaders to clarify misunderstandings and dispel prejudices and preconceived ideas (for example about differential treatment or benefits for respective groups). Jointly identify local solutions, referring

to lessons learned from previous incidents, and promote regular inter-group dialogues.

- Where it is appropriate and safe for staff, UNHCR and other UN and humanitarian actors should maintain a visible presence to reduce tension and deter conflict.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
 - 2.22 Internal Relocation and Safe Houses

Further references

-
- UNHCR, *Urban Refugees. A Community-Based Approach*, May 1996. At: <http://www.unhcr.org/refworld/docid/49997ae412.html>.
 - UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern*, 16 September 2003, EC/53/SC/INF.3. At: <http://www.unhcr.org/refworld/docid/4ae9ac93d.html>.
 - UNHCR, *Handbook for Repatriation and Reintegration Activities*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd1194.html>.

A group of refugees returned from the country of asylum to a province in the northern part of their country of origin, where they were a minority ethnicity. Unable to return to their original places of residence, they attempted to settle in an area inhabited by members of different ethnicity. Tensions with the local community arose because of ethnic differences and access to land, water, and cattle grazing rights. The prospect for conflict became imminent and, if not managed carefully, threatened to jeopardize efforts to achieve a durable solution. (Hypothetical scenario based on real experiences.)

What is it?

Situations of disagreement or latent hostility between persons of concern and host communities, caused by a range of factors: for example, the perception that persons of concern are a burden on natural resources or threaten the culture of the host community, or the perception among persons of concern that they face discrimination by the authorities or the population of the host country.

**What is
covered in
this topic**

Durable solutions are only possible if a relationship of peaceful coexistence exists between the communities. In some cases, the absence of channels of reconciliation may revive or maintain a state of tension and conflict. This topic suggests ways to mitigate and respond to tensions or conflict between persons of concern and local or host communities. Such tensions can take many forms: threats, intimidation, harassment, discrimination, blocking access to resources or services, physical aggression (in its various forms), SGBV, or the destruction of property.

Possible causes and triggering factors

-
- Competition over jobs, economic resources, or market share in the local economy.
 - Scarcity of natural resources and the degradation of the local environment due to the presence of persons of concern.
 - Land, housing and property disputes.
 - Farming and grazing practices.
 - Prejudice, discrimination and xenophobia; lack of understanding between diverse communities.
 - Norms, policies and practices that unfairly favour one group over another.
 - Development and humanitarian assistance initiatives that do not equitably serve communities, or that are perceived not to do so.
 - Inadequate planning of location of camps and settlements.
 - A programme's design or implementation discriminates, fuels inequality or infringes the rights of others (breaking the "do no harm" principle).

What to consider

-
- Are the root causes of tension known?
 - Have persons of concern and members of the local community been consulted on ways to solve their differences?
 - Have community-based approaches and other alternative forms of dispute resolution been considered?
 - Have local authorities been involved in conflict resolution?
 - Have risks associated with UNHCR's direct intervention been assessed?
 - If intervention is necessary, have persons with appropriate expertise (professional training, experience, local knowledge) been identified to do it?

Immediate action

- Notify managers, security colleagues, and relevant local authorities.
- If the physical security of persons of concern is at risk, request immediate measures to secure their safety (contact health personnel, and security authorities).
- If State actors are not able to intervene or their involvement is not indicated, explore the possibility of interventions by civil society bodies, NGOs, community leaders or community-based organizations. NGOs and community-based organizations can help to defuse tensions before they erupt in conflict. Community leaders are often in a position to exert authority or to advocate in order to bring an end to tensions or conflicts.
- Endeavour to verify existing information and obtain additional details about the underlying causes of conflict, to improve analysis of the situation and identify immediate responses.
- If there is a risk that conflict will continue and it is not associated with specific persons, identify actors who can help negotiate a solution. Such actors may include, for example: the authorities, leaders of the communities in conflict, other leaders in the community, and actors that are perceived to be neutral.

Preventive action

If information is lacking or misunderstandings exist

- Gather more information on the root causes of tension or conflict. Where indicated, establish information networks to detect any possibility of outbreak or recurrence of conflict. Community policing initiatives may be helpful in this regard.
- Where possible, try to identify win-win outcomes, which meet the interests of all parties. Promote peacebuilding and reconciliation activities where appropriate.

- Identify relevant stakeholders, within and outside affected communities, who are in a position to negotiate or mediate. Encourage information exchange between persons of concern, local communities, other relevant stakeholders and the authorities, where appropriate.
- Promote understanding between the persons and communities concerned, in order to remove or counter misperceptions and prejudice. Awareness-raising and public education initiatives may be useful (even before persons of concern arrive).
- Persons of concern should be properly informed about their obligations and responsibilities in the host country. Ensure that they understand the dynamics of the local community and are able to adapt to differences. In parallel ensure that the host community is adequately informed about the presence of persons of concern.

Address needs and perceptions

- Explore options for meeting the needs of the host community, where such interventions will alleviate tension. Similarly, promote the inclusion of persons of concern in local development and other initiatives, to ensure their needs are met.
- Promote the self-reliance of persons of concern and highlight the ways in which they do or could add value to the local community; and *vice versa*.
- Where indicated, facilitate local access to justice, using formal or informal justice systems (courts or traditional dispute resolution mechanisms), according to context and the seriousness of the acts in question.
- Promote normative frameworks, policies and practices that are not discriminatory and that

respond to the needs, rights and vulnerabilities of persons of concern.

Considerations in the host community

- Ensure that security concerns, and specifically the potential for conflict or tension between persons of concern and their host community, are properly considered in all humanitarian decision-making processes, including those related to camp or settlement locations. Persons of concern living in urban settings should be advised about geographical areas where there is a risk of potential tension or conflict with the host community.
- In areas where degradation of natural resources or the local environment is an issue, promote initiatives to remedy the adverse impacts of the presence of persons of concern.
- In rural contexts, promote farming and grazing practices that take local concerns into consideration.
- Where land, housing or property disputes are likely to occur, promote coexistence measures, including peacebuilding and reconciliation initiatives, to anticipate them and facilitate their resolution.
- Promote the inclusion of persons of concern in local development agendas and related initiatives.
- Promote burden-sharing where the ability of the host community to receive persons of concern is strained.
- Promote the self-reliance of persons of concern so that they both contribute to local communities and are seen to do so.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
 - 2.22 Internal Relocation and Safe Houses

Further references

-
- UNHCR, *Conclusion on Local Integration*, No. 104 (LVI) – 2005, 7 October 2005. At: <http://www.unhcr.org/refworld/docid/4357a91b2.html>.
 - UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern*, May 2003. At: <http://www.unhcr.org/refworld/docid/4124b6a04.html>.
 - UNHCR, *Handbook for Repatriation and Reintegration Activities*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd1194.html>.

- UNHCR, *Protracted Refugee Situations*, 20 November 2008, UNHCR/DPC/2008/Doc. 02. At: <http://www.unhcr.org/refworld/docid/492fb92d2.html>.
- UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, March 2008. At: <http://www.unhcr.org/refworld/docid/47da54722.html>.
- Inter-Agency, *Handbook on Housing and Property Restitution for Refugees and Displaced Persons. Implementing the 'Pinheiro Principles'*, March 2007. At: <http://www.unhcr.org/refworld/docid/4693432c2.html>.

Severe and unpredictable droughts have increased the conflicts between different groups who compete for dwindling resources of pasture and water. Every year, the likelihood of cattle raids and conflict tend to multiply during the short rains, when some communities restock their herds, increasing the demand for livestock. (Hypothetical scenario based on real experiences.)

What is it?

Banditry refers to the practice of plundering by armed gangs or groups, either in an organized manner or as opportunity presents itself (for example, roadside banditry). It also includes random acts of criminality which these gangs or groups may commit in camps or settlements and villages or towns. The prevalence of lawlessness in some areas populated by persons of concern may manifest itself in levels of criminal activity and banditry which pose a significant threat to their security and property.

What is covered in this topic

This topic provides guidance on how to address acts of banditry that target, or affect, persons of concern, such as:

- Raids against refugee or IDP camps.
- Banditry on roads and livestock grazing areas.

Possible causes and triggering factors

- Poor law enforcement.
- Different groups are forced to share already limited resources (foodstuffs, water, and land).
- Disputes over local resources.
- Competition for political influence or power.
- Perceived or real disparities in socio-economic status between groups.
- Poor relationships between ethnic groups.
- Easy access to small arms and light weapons.

- Armed groups need to access and replenish supplies, foodstuffs and armaments.
- Groups pressure government to gain leverage (for example, they seek recognition and legitimatisation).
- Opportunistic criminal activity.

What to consider

-
- What are the relations between groups involved in conflict?
 - Are historically established ethnic or tribal alliances (or conflicts) likely to extend the threat geographically?
 - What is the socio-economic composition of the inhabitants in the area?
 - What is the environmental context?
 - How far are the nearest borders and main transportation routes?
 - What are the political positions and perceptions of the authorities, regarding persons of concern, local communities, and ‘bandit’ communities?
 - What patterns can be seen in ‘bandit’ attacks (location, times and dates, methods, victims, gains and loot), if any?
 - Have you considered carefully the possibility of interaction with loosely formed non-State armed groups or criminal gangs?

Immediate action

-
- Provide emergency assistance. Ensure medical, psychosocial support as necessary.
 - Verify incidents. Ensure you have sufficient information to confirm that they took place. If you only have second-hand information, corroborate it.
 - Analyse incidents. Review the elements of each incident (actors, motivation, location, method, date and time, etc.).
 - Document and report. Keep a complete record of each incident for future reference and

analysis, as part of the incident monitoring system. Inform relevant stakeholders of the situation, taking into consideration the response required from their end and maintaining confidentiality at all times.

- Inform the authorities. Ensure that the police and local authorities are aware of incidents and that immediate physical protection is provided to persons at risk.
- Prevent repeated incidents. Provide guidance to victims and persons of concern on immediate and short-term protection measures, including risk areas and factors.

Preventive action

-
- Strengthen police collaboration or presence. You may need to share information about persons of concern; or provide support and prepare a formal agreement with the police authorities when police resources are to be deployed to a camp or settlement.
 - You may need to engage with quasi-governmental groups that control the territory in which persons of concern to UNHCR are hosted, to obtain free and unimpeded humanitarian access.
 - Community awareness. Conduct awareness campaigns within the community on how best to prevent and respond to incidents of banditry. Encourage the formation of community-based security structures. Use awareness campaigns to encourage communities to avoid any involvement with small arms and light weapons (using or storing them in camps, for example) and to report any known trafficking or movement of arms to the authorities, if this is appropriate in the operational context.
 - Training. Coordinate or advocate for additional training for police and security forces to improve protection against and prevention of banditry.

- Capacity building. Support capacity building of judicial institutions to promote the rule of law, through advocacy or programmes.
- Coexistence measures. Organize activities to improve relations between persons of concern and receiving communities. Provide guidance on physical security measures that can be introduced for the benefit of all communities.

Relevant responses

-
- 2.3 Access to Primary Health Care and Counselling
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
-

Further references

- UNHCR, *Note on Military and Armed Attacks on Refugee Camps and Settlements*, 10 August 1987, EC/SCP/47. At: <http://www.unhcr.org/refworld/docid/3ae68cce0.html>.
- UNHCR, *Note on the Protection of Refugees in Armed Conflict Situations*, 4 October 1982, EC/SCP/25. At: <http://www.unhcr.org/refworld/docid/3ae68cbc18.html>.
- UNHCR, *The personal security of refugees*, 5 May 1993. At: <http://www.unhcr.org/refworld/docid/3ae68cd10.html>.

A police unit serving with a United Nations peacekeeping mission discovered that three girls from a nearby camp for IDPs had disappeared after they left the camp to visit their farm. The unit learned from a local leader that a search party had been sent to look for the girls. The leader said that nomads had been hiding around the camp, and that government police had not responded to the IDPs' complaints against them. (Hypothetical scenario based on real experiences.)

What is it?

Kidnapping, abduction, disappearance and hostage taking are similar phenomena with subtle differences. For the purpose of this document, they are defined here as the capturing and carrying away of a person or persons and holding them in confinement against their will.

**What is
covered in
this topic**

This topic provides guidance on dealing with the kidnapping, abduction, disappearance and hostage taking (KADH) of persons of concern. In practice, both civilians and authority figures may engage in KADH, one for personal or family reasons or monetary gain, and the other perhaps for purposes of intimidation. The two categories are addressed separately.

KADH by civilians generally has a personal motive (for example, to separate a child from a spouse, 'rescue' a family member from a situation that is perceived to be unwanted or dangerous) or a financial one (kidnapping for ransom, for instance). Such cases are generally best dealt with through the legal or justice systems. KADH by authority figures is likely to have a more political motive and must be addressed somewhat differently.

Possible causes and triggering factors

-
- Prevalence of human trafficking in the region.
 - Absent or weak rule of law.
 - Defective or corrupt protection actors and institutions.
 - Lack of livelihoods.
 - Presence of armed conflict.
 - Racial, ethnic or religious intolerance.
 - Harmful traditional practices.

What to consider

-
- What are the cultural norms and values of the communities of persons of concern and the host community?
 - How are cases of KADH perceived in the environment? If forms of KADH are considered 'normal' in some cases, what impact will this have on interventions?
 - Has information on incidents been verified and corroborated, before action is taken? Has the confidentiality of sources of information been maintained?
 - What approach have law enforcement and judicial institutions taken to KADH incidents?
 - Is the incident motivated by family concerns or economic interest?
 - Will the community support action to correct the situation?
 - What motivates KADH that is committed by authority figures? To whom and how should such incidents be reported?

Immediate action

-
- Discretion is of the utmost importance. Maintain confidentiality with regard to sources of information so as not to place them in jeopardy.
 - Discreetly corroborate information through other sources to ensure that, as far as possible, you have an accurate understanding of the facts.

- Attempt to determine whether local authorities are aware of the situation, and the extent of their involvement.
- When reporting an incident, seek instructions from supervisors and consult Field Safety Advisers.

Preventive action

Communication processes

- Most cases of KADH will take place without prior warning. If you are forewarned of a possible KADH, you should alert the potential victims and their community of the risk. Place the potential victim(s) in a safe location or under personal protection. It may be necessary to consider emergency resettlement.
- In areas where KADH occurs regularly, analyse its pattern to determine any distinguishable correlations (in terms of location, persons targeted, motive, method, etc.).
- Seek to develop or improve effective lines of communication with persons of concern, to strengthen reporting and data collection, in order to improve eventually the response.
- Seek to enhance the interaction and trust between police and persons of concern, with the aim of creating an environment that is less favourable to KADH.
- Improve information-sharing between groups, to deter KADH and help to resolve incidents.
- In consultation with DIP, advocate and interact with human rights institutions and mechanisms to monitor and report cases of KADH. Ensure clear reporting procedures are in place.
- Develop a media strategy.

Intervention processes

- Community mobilization provides the most effective response to KADH. Focusing on the issue will assist communities of persons

of concern and staff to prevent incidents of KADH. Community awareness and training programmes will help both individuals and groups to protect themselves and avoid situations in which KADH is likely to occur.

- Specific responses are determined by context. In camps, for example, security wardens, Community Watch Teams, or an enhanced police presence or support may deter KADH crimes. In cities, use of mobile phone alerts among staff would be favoured.
- Assist police to counter KADH by providing material support, when feasible.
- Improve access to justice through the use of formal or traditional justice mechanisms (as appropriate) to facilitate resolution of KADH incidents.
- Increase the focus on livelihoods. Doing so can help prevent KADH incidents associated with human trafficking where the victims are from families experiencing economic hardship. Livelihoods programmes targeting both communities of persons of concern and host communities may also develop preventive or protective measures against KADH committed for profit or influence by persons outside the community.
- A robust registration and community-based response system can help to prevent KADH incidents and facilitate their resolution.
- Highlighting the issue of KADH in the broader operational agenda may help to focus attention on KADH cases that were previously neglected.
- Where it is relevant to do so, work with international security forces to establish monitoring and physical protection mechanisms for preventing and responding to KADH by authority figures. These mechanisms should include both reporting and disclosure arrangements.

Relevant responses

-
- 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.12 Screening Points and Reception Centres
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
 - 2.22 Internal Relocation and Safe Houses
-

Further references

- UNHCR, *Military or Armed Attacks on Refugee Camps and Settlements*, IOM/090/1989 – FOM/078/1989, 15 July 1989 [internal]. At: <http://swigea56.hcrnet.ch/refworld/pdfid/427f8ebd4.pdf>.
- UNHCR, *Note on Military and Armed Attacks on Refugee Camps and Settlements*, 10 August 1987, EC/SCP/47. At: <http://www.unhcr.org/refworld/docid/3ae68cce0.html>.

Rebels overran a town in the northern part of the host country. The IDP camps there, coordinated by UNHCR and managed by NGO partners, were burned down. UNHCR and its partners took several weeks to establish what exactly had happened and to trace the missing camp population. Though the fate of these camps was extreme, attacks on refugee and IDP camps are quite common. (Hypothetical scenario based on real experiences.)

What is it?

Many of the camps and settlements for which UNHCR is responsible are located close to or within conflict zones. Camps should be a sanctuary for the civilian population and non-combatants. Where they are located close to borders or front lines, their civilian character may be compromised by combatants who use them as shelter and to meet their basic needs. When this occurs, camps and settlements may also become targets of military or combatant operations.

On occasion, UNHCR camps and settlements have been attacked for no obvious reason except to spread fear and terror. Tensions and hostilities between persons of concern and host or local communities may also lead to physical attacks on camps and settlements.

Attacks on camps and settlements represent a serious crisis, even a breakdown of protection. The re-establishment of a peaceful and secure environment for persons of concern has to be UNHCR's primary objective.

What is covered in this topic

Threatened or actual physical attacks on camps and settlements, perpetrated by armed groups operating from the country of origin or by armed groups (or other armed elements) operating within the host country. Physical attacks on camps

and settlements are evidently a direct threat to persons of concern who live in them. They may endanger staff of UNHCR and its partners, and affect host communities, directly or indirectly. Also, they may disrupt UNHCR's operations and programmes with negative impacts on the physical security and well-being of persons of concern.

Possible causes and triggering factors

-
- Severely compromised civilian character of camps and settlements (for example, as a result of the infiltration of armed elements among persons of concern).
 - Misperceptions of local and host communities.
 - Tensions and clashes between persons of concern and local populations over livelihoods or resources.
 - Common criminality and banditry.
 - Ethnic or tribal differences.
 - Absence of activities that bring persons of concern and local people into contact.
 - Lack of laws sanctioning physical attacks.
 - Xenophobic or racist attitudes among the local populations or persons of concern.
 - Combatants using camps for strategic military purposes (to obtain assets, gain access to infrastructure, use persons of concern as human shields).

What to consider

-
- Have you reached a formal consensus (or tacit agreement) with all stakeholders (persons of concern, authorities, armed forces, rebel groups, etc.), that the civilian character of camps will not be compromised by any combat-related activities?
 - Are law enforcement personnel regularly present in or around camps and settlements? What is the impact of their presence?

- Have you considered (if indicated by the operational context and identified needs) deployment of security forces on agreed terms within camps and settlements?
- Do you have mechanisms in place to monitor the presence of combatants or other armed elements in camps, settlements and collective centres? Are they effective?
- Have you considered organizing frequent, small-scale distributions of food and non-food items (rather than mass distributions of large quantities), to minimize the risk of attacks?
- Have you chosen strategically the locations where services are provided to persons of concern, to ensure they are safe and secure?
- Have you encouraged regular dialogue and communication with the host community, to increase their contact with and acceptance of persons of concern? Have you fostered confidence-building measures and conflict resolution mechanisms?
- Have you advocated for humanitarian access to ensure protection by presence, of UNHCR or other actors, in camps and settlements?

Immediate action

-
- Provide emergency assistance (such as medical and psychosocial support), as necessary.
 - Verify the facts. Ensure that you have accurate information and can confirm that the incident took place. Always corroborate information you have obtained.
 - Analyse the incident (the actors, motive, location of attack, victims and targets, methods, date and time, etc.).
 - Document and report. Keep a full record of the incident for future reference and analysis as part of the incident monitoring system. Inform relevant stakeholders of the situation,

taking into consideration confidentiality and the response that is required of them.

- Inform relevant authorities. Ensure that police and local authorities are aware of the incident and that immediate physical protection is provided to persons at risk.
- Work to prevent further incidents. Provide guidance to victims and persons of concern on immediate and short-term protection measures, including advice on risk areas and risk factors.
- Depending on the nature and extent of the attack, evaluate the case for relocating the people most directly affected or the entire camp population.
- Request the population to report missing family members and missing friends and neighbours. Encourage child protection partners to set-up tracing systems to locate and reunite missing children and parents. Organize guardianship arrangements and (if possible) foster care for temporarily separated children.
- Conduct a needs assessment to plan for replacement of damaged or looted goods and assets.
- Request specialist advice to search for UXO and other ordnance/munitions that might have remained in the camp after the attack. Instruct the camp population, particularly children, not to go near and to avoid all contact with suspicious devices.
- If the attack was made by the host or local community, establish or re-assess communication channels to diminish misperceptions and misunderstandings. Advocate with the authorities to vigorously investigate the attack and prosecute those responsible for it.

Security arrangements and contact with other actors

- In conjunction with the host authorities ensure that security arrangements in and around the camps or settlements are strengthened and reinforced.
- Advocate in favour of vigorous investigation and criminal prosecution of those responsible for attacks on persons of concern.
- If the host government is unable or unwilling to provide adequate security and cannot guarantee the safety and welfare of persons of concern, consider the merits of relocating the camp or settlement population.
- Commence discussion with all stakeholders (persons of concern, authorities, humanitarian partners) on the most effective mitigation measures to be put in place to reduce the possible recurrence of attacks on camps and settlements. Give particular attention to measures that establish or maintain its civilian character.
- Share information with, and consult partners and other humanitarian and international actors, about possible security threats.

With the community

- Involve persons of concern in discussions on the possible sources of attacks, and steps that can be taken to respond to them.
- Empower persons of concern to respond, for example by mobilizing Community Watch Teams to enhance security of camps or settlements, and work in conjunction with the law enforcement authorities to improve the population's safety.
- If attacks have occurred because the civilian character of camps or settlements has been compromised, alert, mobilize, and inform the

community of the dangers of allowing armed elements or weapons to be present in camps.

- If attacks are linked to misperceptions by the local community, open communication channels (for example by organizing regular meetings at which representatives of both the camp population and host communities are present), and implement coexistence measures.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.16 Livelihoods
 - 2.17 Local Integration
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
 - 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
 - 2.22 Internal Relocation and Safe Houses

Further references

- UNHCR, Executive Committee, *Conclusion on the civilian and humanitarian character of asylum*, No. 94 (LIII) – 2002, 8 October 2002. At: <http://www.unhcr.org/refworld/docid/3dafdd7c4.html>.
- UNHCR, *Note on Military and Armed Attacks on Refugee Camps and Settlements*, 10 August 1987, EC/SCP/47. At: <http://www.unhcr.org/refworld/docid/3ae68cce0.html>.
- UNHCR, *Note on the Protection of Refugees in Armed Conflict Situations*, 4 October 1982, EC/SCP/25. At: <http://www.unhcr.org/refworld/docid/3ae68cbc18.html>.
- UNHCR, *Protection Guidelines Relating to Refugee Security*, 3 May 1999. At: <http://www.unhcr.org/refworld/docid/4124bee54.html>.
- UNHCR, *The personal security of refugees*, 5 May 1993, EC/1993/SCP/CRP.3. At: <http://www.unhcr.org/refworld/docid/3ae68cd10.html>.
- UNHCR, *UNHCR Handbook for the Protection of Women and Girls*, January 2008. At: <http://www.unhcr.org/refworld/docid/47cfc2962.html>.

In a secluded region of the country, communities of internally displaced persons live beside communities at risk of displacement. They are indigenous people or members of other minority ethnic groups. The State's presence is very weak. Civilian authorities are almost absent. The region is mined. Non-State actors threaten and physically attack individual members of the affected communities simply to terrorize them, prevent them from cooperating with other political factions, or to use them as human shields. (Hypothetical scenario based on real experiences.)

What is it?

Physical attacks on persons of concern violate their rights to life, liberty, and security of person, as well as their right to freedom from torture and inhuman and degrading treatment and punishment. They include a wide range of violent acts, which inflict bodily but also psychological and social harm. They may be perpetrated by State or non-State actors (for example, criminals, errant military and police, non-State armed parties to a conflict, anxious local populations, or persons of concern). Physical attacks may often amount to torture, war crimes, or crimes against humanity (which are considered under **unlawful killings**).

What is covered in this topic

This topic provides guidance on how to respond to and prevent physical attacks, or threats of physical attack, on persons of concern. These may occur in camps, in urban or rural settings, in situations of indiscriminate or generalized violence in international and non-international armed conflicts, but also in otherwise peaceful, stable environments in host countries.

Possible causes and triggering factors

- General instability in the host country.
- Activities of local rebel groups.
- Common criminality and banditry.
- Undisciplined police, military and security forces.
- Personal conflicts between refugees.
- Abuse of power by refugee leaders.
- Tensions and clashes between persons of concern and local populations over scarce livelihoods and resources.
- Xenophobic or racist attitudes of the local populations or among persons of concern.
- Cultural beliefs (associated with witchcraft, for example).
- Tensions resulting from fraud or the perception of discrimination in the provision of services and access to durable solutions (for example access to resettlement).
- Lack of sufficient humanitarian assistance.
- Breakdown of social and family structures.
- Ethnic or tribal differences.
- Lack of legal protection.
- Lack of laws sanctioning physical attacks.
- Lack of police protection.
- Lack of appropriate documentation for persons of concern.
- Infiltration of armed elements amongst communities of persons of concern.
- Exclusion of the local population from assistance provided to persons of concern.
- Lack of communication channels between local populations and persons of concern, which can help address early warning signs.
- Absence of activities which bring persons of concern and local communities together.

What to consider

- Is the host State taking steps to ensure the physical protection of all persons of concern who find themselves in the territory under its jurisdiction (within its borders), irrespective of their legal status?
- What measures do UNHCR and its partners take to support the host State in its efforts to fulfil its obligation to provide physical protection to persons of concern?
- How do UNHCR and its partners monitor the host State's compliance with this obligation?
- Is the international community at large promoting the political will of the host State with regard to physical protection of persons of concern? Is the international community supporting, where necessary, the State's capacity to fulfil this obligation?
- If quasi-governmental non-State actors have *de facto* control over territory in which persons of concern reside, how do you engage with these groups to obtain free and unimpeded humanitarian access?
- Is the Age, Gender and Diversity (AGD) approach mainstreamed in programme and protection responses, through regular participatory assessments that help identify early warning signs?

Immediate action

Information gathering, monitoring and coordination

- Verify and analyse information.
- Maintain direct and constant contact with leaders of communities at risk.
- Seek and gather information from the protection network (implementing and other partners on the ground), where possible.
- Request immediate intervention by the law enforcement agency or other armed State

actors (or peacekeepers) to ensure the physical protection of communities or individual persons of concern.

- Establish immediate protection by presence (if possible), of UNHCR and national authorities (where appropriate).
- Encourage humanitarian and other relevant actors to establish or reinforce their protection by presence (if possible), and to create or reinforce a protection network of implementing and other partners.
- Strengthen communications with the community, with all relevant actors at local level, and between UNHCR and relevant actors at central government level.
- Reinforce or establish a coordination mechanism involving all relevant actors.

Action in relation to security forces

- The armed forces and police (or peacekeepers) are key to ensuring physical protection. If their response is inadequate, analyse the reasons:
 - a. Are they aware of their obligation to provide physical protection to persons of concern? If not, request an immediate meeting to impress upon them the urgency of the situation and the duty they have to meet their obligation.
 - b. Are they aware of their obligation but unwilling to fulfil it?
 - In this case, when the problem lies with local authorities (who may be afraid of the consequences of their intervention, or corrupt, or in alliance with those who organized the attack, etc.), you may need to intervene urgently at the highest level of central government (Ministries of Interior and Foreign Affairs).

- If the problem lies with central government, and it persists despite UNHCR's intervention, fully involve the international community (embassies, UN agencies, ICRC, OSCE, and other relevant regional bodies) in your advocacy efforts. This will give profile to the issue. You could also devise a media strategy, and organize field visits of relevant actors from the international community to the communities of persons of concern at risk.
- c. Are they willing but unable to fulfil their obligation?
- In this case, when the problem lies with local authorities, you may need to intervene urgently at the highest level of central government (Ministries of Interior, Defence and Foreign Affairs). The main purpose would be to provide support to local actors on the ground.
 - If the problem lies with central government, involve fully the international community, to the extent feasible.
- d. If the problem persists, you could consider the internal relocation of persons of concern, individually or as a group.

Preventive action

- Where a threat is imminent, all the measures recommended above would apply. Once the armed forces or police have agreed to extend protection, it may be opportune to discuss with them any related protection concerns, to avoid additional risks.
- Facilitate the flow of information between the international community and relevant national authorities (in the judiciary and the executive), and leaders of affected communities and individual persons of concern. Organize meetings and field visits to this effect.

- Promote a field presence in affected communities, of national human rights protection organizations and institutions (such as the Office of the Ombudsman or National Human Rights Commission). If necessary, consider the merits of providing support to enable such organizations or institutions to establish field offices via a UNHCR sub-project.
- Cooperate with human rights defenders, as appropriate.
- Introduce better communication systems. Consider providing VHF handsets to affected persons of concern, permitting them to communicate with the Field Office whenever they need to (24/7), in an emergency or if faced by an imminent threat. If this is not possible, consider providing community phones or mobile or satellite phones.
- Design and implement practical protection projects, supported by UNHCR. These should enable a range of actors (civilian government actors, civil society, NGOs, UN agencies, UNHCR, etc.) to increase their presence and also assume a protection role in communities at risk.
- Advocate in favour of deploying partners specialized in conflict prevention and social cohesion activities. Their projects and initiatives will help to address root causes of conflict and will assist persons of concern and host communities, and also relevant State and in certain contexts non-State actors, to cohabit peacefully.

Relevant responses

-
- 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes

- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

- UNHCR, *Note on Military and Armed Attacks on Refugee Camps and Settlements*, 10 August 1987, EC/SCP/47. At: <http://www.unhcr.org/refworld/docid/3ae68cce0.html>.
- UNHCR, *Note on the Protection of Refugees in Armed Conflict Situations*, 4 October 1982, EC/SCP/25. At: <http://www.unhcr.org/refworld/docid/3ae68cbc18.html>.
- UNHCR, *Protection Guidelines Relating to Refugee Security*, 3 May 1999. At: <http://www.unhcr.org/refworld/docid/4124bee54.html>.

- UNHCR, *The personal security of refugees*, 5 May 1993, EC/1993/SCP/CRP.3. At: <http://www.unhcr.org/refworld/docid/3ae68cd10.html>.
- UNHCR, *Handbook for the Protection of Women and Girls*, January 2008. At: <http://www.unhcr.org/refworld/docid/47cfc2962.html>.
- UNHCR, *Conclusion on the civilian and humanitarian character of asylum*, 8 October 2002, No. 94 (LIII) – 2002. At: <http://www.unhcr.org/refworld/docid/3dafdd7c4.html>.

Presence of Combatants and Armed Elements among Persons of Concern

Approximately 25,000 refugees fled after an attempted coup d'état in their country of origin to the neighbouring host country. At the time, the area of the host country to which the refugees fled was controlled by the two national liberation movements. According to their local forces, an estimated 1,000 combatants were amongst the refugees. UNHCR expressed concerns about the threat that combatants could pose to the refugees. High-level discussions with a UN Peacekeeping Mission in the host country and the Department of Peacekeeping Operations in New York ensued to further assess the situation and agree on the next steps. (Hypothetical scenario based on a real experience.)

What is it?

The presence of fighters or any other individuals carrying weapons in refugee or IDP camps or settlements may expose persons of concern to the risk of armed attacks, arising from the perception by opponents that the combatants or armed groups benefit from the protection or assistance of persons of concern. Their presence may also create other protection risks associated with armed conflict, such as forced recruitment of children, or sexual and gender-based violence or exploitation.

What is covered in this topic

The civilian and humanitarian character of asylum and IDP protection space is a key standard in the protection of refugees and IDPs. It may be compromised in practice by the presence of combatants or other armed elements among persons of concern. This topic provides guidance on how to mitigate security risks that arise in such situations. Some of the measures proposed seek to prevent camps and settlements from being infiltrated by armed elements and combatants.

Others aim to mitigate risks in situations when security has already been jeopardized.

Possible causes and triggering factors

-
- Situations (including but not only mass influxes) where refugees have fled to a neighbouring State from ongoing conflict or fighting in their country of origin.
 - Situations where refugees have fled into a country where there is ongoing conflict and fighting.
 - Internal (non-international) armed conflicts that cause civilians to move internally (within the same country) to 'safer areas' – mass internal displacement.
 - Cross-border fighting between combatants from different States which results in displacement, internally or across borders.
 - Situations where combatants use camps, settlements or hosting areas (host families), or persons of concern, to plan military operations, receive or store weapons, stage military actions, recruit new combatants, or rest and recuperate.
 - Contexts where arms and munitions are widespread.

What to consider

Key protection principles, State responsibility and careful approach

- Has the civilian character of refugee and IDP camps, settlements and hosting areas been respected?
- Have identified or reported incidents of human rights abuses (such as human trafficking, forced recruitment of children, physical and sexual violence) increased in areas populated by persons of concern? Have many women and children of concern been identified as victims or survivors of such incidents?
- Has the host State (the host authorities or security forces) taken specific action to maintain

the civilian character of protection space and the security of persons of concern?

- Have UNHCR and other actors (UN Peacekeepers, ICRC, other UN agencies, and national and international NGOs) engaged in any initiatives to support the State's efforts?
- Are peacekeeping forces present in your operational context? Have you studied their mandate? Are they mandated to protect civilians and therefore persons of concern? If yes, how do they protect them in practice?
- Has a thorough security assessment been undertaken, in view of the high sensitivity of the issue and the need to avoid putting staff at unnecessary risk?
- Have you consulted carefully with relevant senior managers, Field Safety Advisers, local authorities, national and international security forces (where relevant), and experts on the subject matter, before taking action?

Identification and separation of combatants

- What steps has the host State taken to identify and separate combatants from persons of concern?
- Has the international community engaged in any initiatives or projects to develop the capacity of the host State in this regard?
- Have you identified any incidents of *refoulement* of asylum-seekers and refugees, or cases where IDPs have not been extended the protection they require, as a result of measures taken to identify and separate combatants? If yes, what remedial action has been taken to prevent their recurrence?
- Do the authorities and other actors properly apply the distinction between combatants and other armed elements?

- Have all armed elements who cross the border into the host State, in a refugee context, been disarmed?
- Have only the combatants been separated from the refugees and interned?
- What measures have been taken by States to ensure that combatants and armed elements are not present in IDP populations?
- Have combatants been identified and separated at the earliest possible stage? If not, what specific obstacles stand in the way of doing so? (Examples might include members of irregular armed groups or fighters who do not wear uniform, and members of regular armed forces who remove their uniform, hide their weapons and mingle with the civilian population.)
- Are the authorities in charge of identification and separation of combatants qualified and trained in the standards of treatment of persons of concern, under international human rights law, refugee law, statelessness, and humanitarian law instruments? Do they have the political will to respect these standards?

General considerations

- Is the security strategy in place comprehensive? Does it minimize the risks, taking into account UNHCR's inherent limitations in this context and the complexity of the issue?
- What specific measures have been taken to ensure the personal security of women and children, and to mitigate the protection risks created by the presence of armed elements and combatants?
- Are best interest determination procedures in place for women and children who are suspected of being combatants or armed elements? Have you consulted all relevant reference materials on special measures to be taken in such cases?

Identification and disarmament of armed elements

1.9

- Advocate that the process of disarmament (a responsibility of the host State) does not violate protection principles. UNHCR has no direct role in disarming armed elements.
- Encourage host State authorities to screen possible armed elements or combatants as soon as possible.
- The identification of armed elements is often difficult. It is therefore necessary to monitor continuously areas that host refugees and IDPs to determine if arms are present. Maintaining a dialogue with affected communities of persons of concern is vital to this process. Encourage the authorities to undertake this task in a professional manner.
- Depending on the security context, you may encourage humanitarian actors, other partners and persons of concern to report the presence of arms or armed elements in refugee and IDP camps or settlements or hosting areas.

Identification, separation and internment of combatants

- In certain operational contexts, humanitarian actors, including UNHCR, can support the State when it undertakes this exercise, by sharing relevant background information and analysis. Humanitarian actors may also promote best practices, for example: the identification of combatants at the earliest stage; the promotion of self-identification by combatants; clear and consistent community awareness campaigns regarding the purpose and conditions of disarmament, separation and internment; fair and transparent procedures; and humane conditions of internment.
- Remember that ICRC should be granted access to internees, to monitor conditions and possibly

re-establish family links. Other international agencies may also be granted access, to provide assistance where necessary.

Renunciation of armed activities

- When it has been established that a combatant has genuinely and permanently renounced military activities, her or his internment should generally cease. It can be complex to determine whether the renunciation of armed activities is genuine and permanent. Give due regard during this process to relevant policy guidelines.
- When you conclude that an individual has genuinely and permanently renounced military activities, and he or she expresses fear of returning to his or her country of origin or otherwise seeks asylum, he or she may be considered an asylum-seeker. The process of assessing refugee claims in such cases is highly complex. It should be carried out by protection staff, trained in refugee status determination procedure and in the application of exclusion clauses, procedures and guidelines.
- In some instances, UNHCR may be requested to provide assistance in areas related to its mandate, in Disarmament, Demobilization and Reintegration (DDR) projects. (Generally, work on this is led by UNDP.)

When the separation of armed elements or combatants is not feasible or has not yet occurred

- In some instances, it will not be possible, or it will take time, to disarm armed elements, identify combatants, and separate or intern them. Other measures can be taken simultaneously to mitigate the risks posed by combatants and other armed elements who may infiltrate, or who are already present, among populations of persons of concern to UNHCR.

- In the camp or settlement context, a number of security measures and camp management practices may be implemented to mitigate risk. You may need to:
 - Establish weapon checks at entry points.
 - Promote camp or settlement rules, in consultation with persons of concern, that promote the peaceful and civilian character of the site.
 - Establish a community watch system.
 - Organize the physical infrastructure and promote site designs that take into account SGBV and other security concerns in camps.
 - Enhance the presence and response capacity of local law enforcement officials.
 - Promote initiatives that reinforce law enforcement actors and judicial institutions, for example through training and capacity building, as well as material assistance (where appropriate).
 - Establish dialogue with the community, and combatants (including their leadership, where feasible), to explain why the presence of combatants is problematic and creates (potential) security risks for civilians.
- Particular attention should be given to the potential recruitment of persons of concern in areas where armed elements or combatants are present. Forced recruitment and the recruitment of children are both issues of concern that merit protection interventions.

Preventive action

In situations of armed conflict

- If an influx of refugees or displacement of IDPs has not yet occurred, but may be imminent, it is important to collect and analyse information – on the nature of the armed conflict, the various armed factions involved, and the characteristics of those who have already begun to flee (in small numbers) or are likely to do so.

- If the security context permits, undertake a well-planned technical assessment mission to the area surrounding the conflict zone. This will enable you to evaluate the security situation, assess the extent of infiltration (if any) by combatants, and seek specialized advice on security measures that need to be implemented, in the circumstances.
- If and when refugees are relocated from the border, or when IDPs move out from areas of conflict, you may promote security measures that ensure the safety of persons of concern and deter armed elements. For example, national or, if indicated, international security forces may be present to ensure security, monitor the situation, or to act as a deterrent to combatants (according to their mandate).

Location and layout of camps, settlements and hosting areas

- Locate refugee camps or settlements at a reasonable distance from the border, particularly when there is an ongoing cross-border conflict and a risk that armed elements may enter the country of asylum. Similarly, IDP camps or settlements should be located at a reasonable distance from theatres of conflict, whether these are internal or cross-border. Follow these general principles when choosing hosting areas for refugees and IDPs in urban settlements.
- When deciding on the accommodation locations of refugees and IDPs, consider a range of factors including: social, cultural, political and religious affiliations; the dynamics of the local community; and in many cases potential competition over natural and economic resources between communities of persons of concern and host communities.
- The size, physical layout and infrastructure of camps, settlements and hosting areas should be designed with security concerns in mind.

General considerations

- Ensure that a broad spectrum of persons of concern are involved in discussion on the sources of their insecurity and responses to address it.
- Encourage States and local authorities to take measures to curtail the flow of arms into areas inhabited by persons of concern.
- Advocate for international support to the national authorities, through provision of technical expertise (such as training), and SSR and DDR programmes.
- Where indicated, strengthen relationships with national authorities and security forces, to increase their awareness of the issue and encourage preparedness measures.

Relevant responses

-
- 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.12 Screening Points and Reception Centres
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.18 Community Awareness and Mass Information Campaigns
 - 2.19 Coexistence Measures
 - 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations

2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements

2.22 Internal Relocation and Safe Houses

Further references

- UNHCR, *Conclusion on the civilian and humanitarian character of asylum*, No. 94 (LIII), 8 October 2002. At: <http://www.unhcr.org/refworld/docid/3dafdd7c4.html>.
- UNHCR, *Global Consultations on International Protection/Regional Meetings: Key Conclusions and Recommendations* (Regional Meeting in Pretoria, South Africa, 26-27 February 2001), 30 May 2001, EC/GC/01/9. At: <http://www.unhcr.org/refworld/docid/3bf92e664.html>.
- UNHCR, *Global Consultations on International Protection/Third Track: The Civilian Character of Asylum: Separating Armed Elements from Refugees*, 19 February 2001, EC/GC/01/5. At: <http://www.unhcr.org/refworld/docid/3bfa82d65.html>.
- UNHCR, *Maintaining the Civilian and Humanitarian Character of Asylum: Conclusions and Preliminary Issues Raised* (Geneva, 9-11 June 2004), 11 June 2004. At: <http://www.unhcr.org/refworld/docid/4162ae654.html>.
- UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006. At: <http://www.unhcr.org/refworld/docid/452b9bca2.html>.
- UNHCR, *The Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements*, 14 January 1999, EC/49/SC/INF.2. At: <http://www.unhcr.org/refworld/docid/4a54bc04d.html>.
- UNHCR, *The Security, Civilian and Humanitarian Character of Refugee Camps and Settlements: Operationalizing the "Ladder of Options"*, 27 June 2000, EC/50/SC/INF.4. At: <http://www.unhcr.org/refworld/docid/4a54bc040.html>.

1.10

Abuse of Power by Persons of Concern

Following a temporary failure of the water supply to a camp, the water ration per person is reduced. However, the refugee in charge of distribution gives two extra litres if he is offered some money. Some refugees do not wish to report him, because they fear retaliation or want the extra water. (Hypothetical scenario based on real experiences.)

1.10

What is it?

Attempts by persons of concern to influence other persons of concern in order to gain a personal or group benefit, which may be material, sexual, financial or of another form. It may involve physical or verbal abuse or injury to other persons of concern. It is a serious protection problem.

In the communities in which UNHCR works, some persons of concern have power with respect to their fellow community members. “Power” is here understood as the ability to influence and control the lives and behaviour of others. It may derive from economic, cultural or political traditions rooted in the community prior to displacement, or may be acquired during or after flight. Power that is derived from election or delegated by other institutions is also called “authority”.

What is covered in this topic

In this topic, the terms ‘power’ and ‘authority’ are used synonymously. The term ‘abuse’ refers only to cases that occur in communities of persons of concern, without effects on, or the involvement of, individuals from outside these communities.

Possible causes and triggering factors

- Age, gender and diversity factors.
- Instability.
- Poverty.
- Cultural attitudes towards authority and power.

- Limited freedom of movement.
- Limited awareness of rights among persons of concern.
- Lack of supervision or control, and poor mechanisms to monitor the provision of assistance or services.
- Perpetrators are perceived to have impunity by the community.
- The community tolerates abuse.
- Victims do not report abuses of power because, for example:
 - They fear retaliation.
 - They lack access to reporting mechanisms or consider them ineffective.
 - They are unaware of their rights.
 - They believe that it is “normal” to be abused in this manner.

What to consider

- Who exactly is perpetrating the abuse? Does it involve a wider group, or specific individuals who have power or positions of authority?
- Are refugee leaders as representative as possible of the community (inclusive of age, gender and social groups)? Are they elected by the community of persons of concern?
- What are the political, cultural, historical and security sensitivities of the community?
- What is the legal and normative framework of the host country?
- Before displacement, which roles did particular segments of the population play and which resources did they control?
- What measures should you take to ensure that the best interests of the child are a primary consideration in all your actions? (Consult child protection specialists.)
- What measures are in place to ensure the safety of victims from the moment they come forward and report a case of abuse?

Immediate action

- If needed, ensure that victims receive appropriate medical or psychological treatment.
- Gather as much information about the incident as possible; try to corroborate it using different sources (witnesses, or persons close to the perpetrator).
- Undertake an assessment to determine whether the abuse is exceptional or endemic; undertaken by one or several actors; tolerated or even supported by the community of persons of concern or by institutions or officials with authority.
- If there are indications that the person of concern might indeed have committed abuse, seek ways to remove him or her from his or her position. Take remedial action.
- Analyse thoroughly the legal and normative framework of the country.
- If the abuse of power constitutes a criminal act in the host country, report it to the competent authorities.
- In less serious cases, undertake appropriate remedial action and follow-up, making use of mediation or traditional community dispute resolution mechanisms as appropriate.
- Ensure that the security and well-being of UNHCR staff members and IPs are safeguarded from potential retaliation by the alleged perpetrator(s).

1.10

Preventive action

- Consult with relevant authorities, community leaders, implementing partners and other organizations on measures that will empower persons of concern to prevent and respond to abuses of power within their community.
- Ensure that victims of abuse, and the community of persons of concern at large, are safe and secure.

- Ensure effective child protection safeguards are in place through cooperation with relevant local authorities and child protection specialists.
- Discuss with the community different options to prevent abuses of power from occurring or recurring. Advise the community of persons of concern that they have a responsibility to report abuse, and that those who are in a position of power have a duty not to abuse it.
- Strengthen law enforcement, the judiciary and other national institutions.
- Strengthen community-based prevention and response mechanisms, including traditional justice mechanisms (traditional dispute resolution committees), if their practices are compatible with human rights principles.
- Ensure that the distribution of goods and services is monitored effectively. Establish an effective reporting mechanism as well.
- If they are not already in place, establish referral mechanisms and Standard Operating Procedures for reporting abuse. Inform members of the community about their existence and make sure they know how to report incidents.
- Where possible, address any underlying socio-economic issues that might increase the likelihood of abuse of power, such as insufficient food rations, lack of economic opportunities. Seek to empower the most vulnerable members of the population.
- Address any other system-wide issues that are relevant to abuse of power, including traditional beliefs, by working with the community to raise awareness.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.3 Access to Primary Health Care and Counselling

- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.9 Promote the Use of the Code of Conduct
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements

Further references

-
- UNHCR, *Code of Conduct and Explanatory Notes, Including the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, June 2004, ST/SGB/2003/13. At: <http://www.unhcr.org/422dbc89a.html>.
 - UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: resolution / adopted by the General Assembly*, 29 November 1985, A/RES/40/34. At: <http://www.unhcr.org/refworld/docid/3b00f2275b.html>.
 - UN General Assembly, *Special measures for protection from sexual exploitation and sexual abuse: report of the Secretary-General*, 18 February 2010, A/64/669. At: <http://www.unhcr.org/refworld/docid/4bb453582.html>.
 - United Nations, *International Civil Service Commission, Code of Conduct for International Civil Servants*. At: <http://icsc.un.org/resources/pdfs/general/standardsE.pdf>.

1.11

Abuse of Power, including Corruption and Exploitation, by Humanitarian and Peacekeeping Actors

1.11

Every peacekeeper on mission in their operational country is briefed on, and expected to respect, the Ten Rules Code of Personal Conduct for Blue Helmets. In one specific instance within a particular community, peacekeepers were allegedly reported to have rented a room and used it for sex with teenagers from the nearby IDP camp. The IDP community started to punish the girls who have been caught by parading them through the camp and publicly mocking them. However, the abuse continued because the girls needed the money they were paid. It was alleged that the girls also asked boys, brothers, relatives or friends to find peacekeeper clients for them. In addition, girls from neighbouring countries began to make money in the same way, crossing the border in disregard of the dangerous security environment. (Hypothetical scenario based on a real experience.)

What is it?

For the purposes of this topic, abuse of power refers to misuse of a position of influence, power or authority by an individual to gain an advantage over, to exploit or control persons of concern. It may include but is not limited to intimidation, harassment, threats, blackmail or coercion. It can take many forms, both financial (fraud, bribery, extortion) and non-financial (sexual abuse, diversion of assistance, intimidation, abuse of social reputation). It can consist of a series of incidents or a single incident. Corruption is operationally defined here as the abuse of entrusted power for private gain.

What is covered in this topic

This topic provides guidance on preventing and addressing abuse of power by humanitarian and peacekeeping actors, when the victims of abuse are persons of concern to UNHCR. (This topic does not cover project oversight, financial

management, or technical measures against corruption.)

Possible causes and triggering factors

With regard to the individual in a position of power

- Opportunities to gain money, power, or services.
- Lack of respect for, or failure to implement, internal organizational reporting mechanisms and rules and regulations.
- Presence of a culture of impunity.
- The organization is unwilling or unable to address the abuse.
- Lack of awareness of, and adherence to the Code of Conduct.
- Differences in cultural values or different understanding of morality and ethics.
- Existence of criminal networks.
- Absence of sound psychological profiling in the recruitment process.

With regard to persons of concern

- Normal social protection mechanisms are not in place or no longer function.
- Frustration and desperation.
- Lack of financial resources and income generation opportunities.
- Lack of education and awareness.
- Fear of the consequences if they refuse the demands of the abuser.
- Fear that the alleged perpetrator may take retaliatory action if he or she is reported.
- Hope of benefit (for example, victims may believe they will receive protection, favours or rewards, or that their personal circumstances will improve, because they are promised marriage or resettlement, etc.).

- Lack of transparent and accessible information on available services and assistance.
- Lack of awareness of their own rights and of the obligations of peacekeepers and humanitarian actors.

What to consider

1.11

- Have staff been advised to report every suspected case of abuse of power by humanitarian and peacekeeping actors, in compliance with the internal agency and organizational reporting mechanisms?
- Have all staff received training, and are they familiar with, UN rules on prevention of, and response to corruption and abuse of power? (Note, for peacekeeping forces such training is mandatory before deployment, in addition to in-country orientation after deployment.)
- If an investigation is required, are staff familiar with the protocol for dealing with the entity the organization has designated to make such investigations?
- Is the investigation methodology consistent with the organization's Standard Operating Procedures?
- Have you considered interventions that may be required after the investigation ends, if the victim is exposed to new security risks, or is ostracized by the community, because of the abuse which he or she suffered, because he or she reported it, or because of the outcome of the investigation?
- What disciplinary actions consistent with organizational policy may be required (if any), following completion of an investigation?
- The Department of Field Support (DFS) and the Department of Peacekeeping Operations (DPKO) are responsible for enforcing UN policies on conduct in peacekeeping operations. Conduct and Discipline Teams

undertake outreach and communications campaigns as part of their efforts to align the behaviour of peacekeeping personnel with UN standards of integrity and conduct, and address sexual exploitation and abuse. Alleged abuses may be reported to any of these entities.

- The principal documents that set out UN Standards for civilian personnel (including UN staff, UN Volunteers, consultants and contractors) are: the UN Charter; UN Staff Regulations and Rules; UN Financial Regulations and Rules; Status, basic rights and duties of UN staff members; and Measures for protection from sexual exploitation and sexual abuse of authority. Are all staff familiar with these documents? Are they available in relevant languages?
- The principal documents that set out UN standards of conduct for uniformed personnel (military and police) are: the revised draft model Memorandum of Understanding between the UN and Troop Contributing Countries, which incorporates the annex “We are the UN Peacekeeping Personnel”; Observance by United Nations Forces of International Humanitarian Law; Directives for Disciplinary Matters involving Civilian Police Officers and Military Observers; and the Ten Rules Code of Personal Conduct for Blue Helmets. Are all relevant stakeholders and staff, notably uniformed staff, familiar with these documents? Are they available in relevant languages?

Immediate action

With the victim/survivor

- Interview the victim/survivor to collect information about the incident(s).
- Advise the victim/survivor about the referral mechanism and Standard Operating Procedures, to enable him or her to receive the assistance and support he or she requires

(medical care, psychosocial support and counselling, legal advice, security advice, etc.).

With regard to the alleged perpetrator

- Collect information about the incident(s).
- Inform the Head of the Agency in question.
- Follow guidelines for internal reporting and reporting to national authorities, and the guidelines that agencies and peacekeeping entities apply for formal resolution of cases of abuse of power.
- With respect to peacekeepers, if the abuse of power constitutes a criminal act, it is often standard practice to report it regularly to the host country authorities through the relevant command structures.

1.11

Preventive action

It is rarely possible to anticipate the point in time when this threat will occur. Continuous monitoring is required and preventive mechanisms should be established and incorporated in Standard Operating Procedures.

Interact with communities

- Ensure that public signs indicate that all humanitarian services are free of charge. Signs should be posted, in appropriate language(s), within the offices of UNHCR and its partners, as well as in relevant camp locations where services are delivered.
- Ensure that persons of concern are informed of their rights and about reporting mechanisms, through training and counselling by qualified staff, via signs and posters, and via television and radio programmes (when possible and applicable).
- Maintain effective communication with community leaders and the community at large, using multifunctional teams to identify actual

or prospective shortfalls in the provision of assistance to meet the basic needs of persons of concern.

- Reassess the availability of adequate livelihood programmes to determine whether more can be done to enable persons of concern to be self-sufficient. Ensure programmes for vulnerable groups are reaching those they are intended to benefit.
- Carry out educational, information and awareness raising campaigns to ensure that all groups in the community understand their entitlements and rights (food, services, repatriation, etc.). Make this information available to the whole community, not only to community leaders.
- Maintain protection by presence.
- Handle complaints in a confidential manner and endeavour to prevent retaliation against persons who report incident(s).
- Ensure that women and minorities (from among host communities or communities of persons of concern) are involved in the distribution of assistance and services.

In the work environment

- Ensure that relevant authorities (police, justice, legal, and health sector officials) receive training on national and international refugee law and standards, to sensitize them to the vulnerable situation of persons of concern, particularly with regard to the provision of services to meet basic needs. The training should take into consideration the specific responsibilities of those being trained.
- Undertake a risk assessment to identify gaps and weaknesses in the agency's internal systems. Assess whether additional safeguards are needed.

- Review regularly and monitor humanitarian aid and other services provided by implementing partners, to ensure the assistance they provide is not being misused to exploit or abuse persons of concern.
- Follow the specific guidelines that apply to internal reporting, reporting to national authorities, and formal resolution mechanisms for alleged incident(s) of abuse of power within agencies and peacekeeping entities.
- Ensure that staff working for UNHCR and partner organizations know and abide by their respective Codes of Conduct, related guidelines, and rules and regulations. Request other humanitarian agencies and peacekeepers to take similar action.
- Review the camp layout and design (toilets, showers, water and food distribution areas, etc.), to make sure that they take into account the needs of vulnerable groups, and that they provide persons of concern with privacy and security and do not increase the risk of abuse.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.2 Site Selection and Planning
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.6 Access to Justice
 - 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
 - 2.9 Promote the Use of the Code of Conduct
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement

- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.22 Internal Relocation and Safe Houses

Further references

-
- United Nations, *Charter of the United Nations*, 1945. At: <http://www.un.org/en/documents/charter/index.shtml>.
 - United Nations, International Civil Service Commission, *Code of Conduct for International Civil Servants*. At: <http://icsc.un.org/resources/pdfs/general/standardsE.pdf>.
 - UN General Assembly, *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General*, 23 April 2004, A/58/777. At: <http://www.unhcr.org/refworld/docid/41187be14.html>.
 - UN Secretary-General (UNSG), *Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 9 October 2003, ST/SGB/2003/13. At: <http://www.unhcr.org/refworld/docid/451bb6764.html>.
 - UNHCR, *IOM/054/2005 – FOM/054/2005 The Role, Functions and Modus Operandi of the Inspector General's Office*, 3 November 2005, IOM/054/2005 – FOM/054/2005 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/43706e744.html>.
 - UNHCR, *Resettlement Fraud: A Tool to Help Offices Assess Their Exposure and Vulnerability*, 20 October 2006 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4ad300d12.html>.
 - UNHCR, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.

- UNHCR, *UNHCR Code of Conduct. Guidelines for Managers*, 2004. At: http://www.un.org/en/pseataaskforce/docs/code_of_conduct_guidelines_for_managers_english.pdf.

1.12

Abuse of Power, including Harassment and Corruption (not committed by Persons of Concern or Humanitarian and Peacekeeping Actors)

A female-headed refugee family was thriving in the country of asylum. All family members (mother and two adult daughters) were properly registered as persons enjoying temporary protection. Then, two months after the older daughter starts a relationship with a local man, at five o'clock in the morning the family is visited by a group of immigration officials. They encourage the family to leave the country and say they might otherwise be deported. Subsequently it turns out that the daughter's boyfriend is also engaged to the daughter of a high-ranking official at the Ministry of Interior. (Hypothetical scenario based on a real experience.)

1.12

What is it?

For the purposes of this topic, abuse of power refers to misuse of a position of influence, power or authority by an individual to gain an advantage over, to exploit or control persons of concern. It may include but is not limited to intimidation, harassment, threats, blackmail or coercion. It can take many forms, both financial (fraud, bribery, extortion) and non-financial (sexual abuse, diversion of assistance, intimidation, abuse of social reputation). It can consist of a series of incidents or a single incident.

Harassment is systematic or continuous unwanted and annoying actions or (pattern of) behaviour, directed against an individual or group, with an intention to intimidate, exhaust with fatigue, or cause worry, fear or emotional distress or significant anguish. Such actions may be carried out by police, military or security forces, government officials, and others employed by the State as well as by any other person in a position of power.

Corruption is operationally defined here as the abuse of entrusted power for private gain.

**What is
covered in
this topic**

This topic provides guidance on how to handle incidents of harassment, intimidation and abuse of power, including corruption, by national authorities and by non-State actors and institutions. Those who commit these abuses are often, but not exclusively, entrusted to protect and assist persons of concern. Such incidents can include:

- Threatening phone calls, letters, correspondence in other forms, or verbal assaults.
- Watching, following, stopping, accosting, or loitering near persons of concern, or preventing or hindering them from entering or leaving their place of residence, business employment or any other places that they frequent for any purpose.
- Entering, or interfering with the property of persons of concern, including arbitrary or unwarranted house visits and searches.
- Threats of arbitrary expulsion and *refoulement*.
- Sexual harassment.
- Giving offensive material to a person or group of persons of concern, or leaving it where it will be found by them, given to them, or brought to their attention.
- Actions affecting freedom of movement (such as the establishment of irregular checkpoints, or searches of buses or trains).
- Confiscation of property.
- Extortion or bribery.
- Arbitrary detention.
- Acting in any other way that causes persons of concern to fear for their safety, and which would cause a reasonable person in those particular circumstances to fear for his or her safety.

Possible causes and triggering factors

With regard to the individual in a position of power

- Means of extortion or bribery.
- National security concerns raised by host government.
- Absent or weak rule of law or the presence of a culture of impunity.
- Lack of effective management or oversight of those in positions of authority.
- Instability in society resulting in a breakdown of traditional social, cultural and economic relations and behaviours.
- Low salaries of those in positions of authority.

1.12

With regard to persons of concern

- Normal social protection mechanisms are not in place or no longer function appropriately.
- Discrimination or persecution.
- Lack of awareness of their own rights.
- Real or perceived impunity of perpetrators and lack of accountability.
- Frustration and desperation.
- Limited access to (financial) resources and support or procedures.
- Weak ability to communicate, because of language barriers, vulnerability, or poor access.
- Fear of consequences (if they refuse the demands of abusers, for example).
- Lack of transparent and accessible information on available services and assistance.
- Fear that the alleged perpetrator may take retaliatory action if he or she is reported.

What to consider

-
- What is the political, social, cultural and economic context?
 - What are the root causes of displacement and statelessness? What specific issues are

relevant, such as ethnic, political and religious tensions?

- Have you considered staff security when planning responses? Have you ensured that national staff members are not exposed to unnecessary security risks?
- What are the roles and operational activities of national authorities and officials? What is their administrative hierarchy or chain of command?
- What is the profile and position of the alleged perpetrator?
- What capacity has the host government to respond appropriately to this threat and fulfil its responsibility to protect persons of concern?
- What efforts have humanitarian actors made to strengthen the host government's capacity in this regard?
- How can law enforcement and other authorities (administrative bodies, Parliamentarians, the judiciary, etc.) be involved in efforts to protect persons of concern from harm or obtain redress for them? Are these authorities themselves a source of threat or unable or unwilling to provide support?
- Can other international and national actors, including human rights and humanitarian organizations, be involved in the response, as necessary?
- Do you have Standard Operating Procedures in place to ensure that individual cases of sexual violence and harassment are handled appropriately?
- Have you followed the guidelines for civil military coordination in your interactions with the military (State forces, and international forces including those of the UN)?
- What liaison and coordination arrangements exist between the humanitarian community and

military structures, and what is the quality and level of their interaction?

- What negative or unintended consequences may result from actions you take?
- In consultation with Field Safety Advisers, have you considered the merits of internal relocation or other special security arrangements to ensure the personal safety of victims and survivors?
- Is a national referral mechanism in place, ensuring that medical treatment can be provided to persons of concern who suffer physical or psychosocial trauma?
- Is your reporting and referral mechanism integrated in relevant Standard Operating Procedures? Does it protect the confidentiality of victims/survivors? Are the latter in a position to decide on the basis of all information provided whether or not they wish to use the available mechanism for referral, reporting and seeking remedy?

1.12

Immediate action

In relation to persons of concern

- Assess the information available on the threat and use field assessments by protection and field safety staff to ascertain its scale and nature.
- Ensure that persons of concern in the camp or community are adequately protected. Develop contacts and networks within the community to build trust.
- Establish a national referral mechanism for individual cases, by ensuring that Standard Operating Procedures are adopted. This can be done in cooperation with the community of persons of concern, implementing partners, and other organizations with protection mandates.

- Ensure incident reports are recorded systematically and shared only in accordance with confidentiality guidelines.
- Report the incident in accordance with Standard Operating Procedures.
- Solicit the wishes of the victim/survivor and maintain confidentiality in accordance with her or his informed decision. Obtain the informed consent of the victim/survivor before you refer him or her for professional medical, legal, safety and security or psychosocial support, or share information about the incident which was provided to UNHCR or its partners with other service providers.
- If there is physical evidence of the abuse, have it documented by health, law enforcement or other professionals, consistent with the wishes of the victim/survivor, Standard Operating Procedures and confidentiality guidelines.
- Maintain a visible protection presence in risk areas.

In relation to national actors

- Establish contacts with concerned national authorities at the earliest possible stage. Be careful when doing so. If the alleged perpetrator has a position of authority, or has affiliations with, or is protected by an authority, your action may jeopardize the security of the victim or members of his or her family.
- Build relationships with relevant civilian and security stakeholders.
- Advocate with national authorities to address incidents of harassment and ensure respect for relevant bodies of law. Evidence gathered through protection monitoring can be used to strengthen such advocacy efforts. Ensure at all times that the confidentiality of persons of concern is respected and that they are not put at risk.

- Provide training to relevant national authorities on humanitarian principles, international human rights and humanitarian law, UNHCR's mandate, and the protection of persons of concern, in both international and national contexts.
- Engage civil society organizations and national human rights institutions, where they exist. Both can play an important role in protection monitoring, intervention, and advocacy with the government, as well as training and capacity building.
- In cooperation with the Senior Protection Officer, the Country Office and DIP, consider cooperation with international human rights mechanisms and organizations (including the Office of the UN High Commissioner for Human Rights, UN Human Rights Treaty Bodies, Special Rapporteurs with relevant mandates, etc.).

Preventative action

In the work environment

- Protection and field safety staff should gather information on incidents through field monitoring. Such monitoring may also serve to deter further harassment and abuse of power.
- Analyse the findings of the field monitoring to highlight any trends or changes in the protection situation and to identify those most at risk. (For example, risks could be related to geographic location – a village near a military camp – or demographic factors – single female headed households.) You can base future protection actions and interventions on this analysis.
- Follow existing UNHCR guidelines for protection and assistance delivery to mitigate the potential risks of intimidation, abuse or corruption. Seek ongoing advice from field safety staff on mitigating such threats to persons of concern and also staff.

- Support the establishment and monitoring of registration and distribution procedures to avoid or limit occurrences of abuse or harassment.
- Establish sound security arrangements, accompanied by accountability mechanisms, at UNHCR warehouses, rub halls, mechanical workshops, and other facilities, to deter occurrences of abuse or harassment.
- Promote the Code of Conduct, by providing regular refresher courses and sharing the Code of Conduct with partners and all interlocutors.
- When planning, identify potential areas of concern and risk, giving attention to power relationships and access to resources.

With national authorities and other national actors

- National authorities are responsible for preventing harassment of persons of concern. Police should therefore investigate and prosecute incidents of harassment that are officially reported to them. If police are the alleged perpetrator(s), normal investigative procedures apply, though the incident may need to be reported to senior managers.
- Capacity building and human rights training of relevant national authorities may help to reduce incidents of abuse of power by State agents.
- Establish and follow proper registration and distribution procedures to avoid or limit the occurrence of this threat.
- Establish sound security arrangements for warehouses, stocks, and other UNHCR facilities and installations.
- Confidence building measures between the police or security forces and the community of persons of concern may help to reduce incidents of abuse of power by State agents, and encourage the community to report incidents to the police.

- Improving access to justice (both formal and informal justice frameworks) may help to reduce abuses by State agents while encouraging the community to report incidents to the police.
- Civil society and NGOs can play an important role in strengthening national institutions of law and order, thereby increasing the accountability of State officials.

1.12

With communities

- Raise the awareness of persons of concern on issues related to intimidation, harassment and abuse of power.
- Regularly inform persons of concern about their rights and obligations, and the recourse procedures that are available to them to protect their fundamental rights.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
 - 2.8 Adherence to International Norms and Standards in Law and Practice
 - 2.9 Promote the Use of the Code of Conduct
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.12 Screening Points and Reception Centres
 - 2.13 Efficient Status Determination Procedures
 - 2.14 Ensure Registration and Documentation
 - 2.15 Resettlement
 - 2.18 Community Awareness and Mass Information Campaigns

- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

-
- UNHCR, *Code of Conduct and Explanatory Notes, Including the Secretary-General's Bulletin on Special Measures for Protection From Sexual Exploitation and Sexual Abuse*, June 2004, ST/SGB/2003/13. At: <http://www.unhcr.org/422dbc89a.html>.
 - UNHCR, IOM/029/2005 – FOM/029/2005, *UNHCR's Policy on Harassment, Sexual Harassment and Abuse of Authority*, 28 April 2005, IOM/029/2005 – FOM/029/2005 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/440ea8cc4.html>.
 - UNHCR, *UNHCR Action to Address Statelessness: A Strategy Note*, March 2010. At: <http://www.unhcr.org/refworld/docid/4b9e0c3d2.html>.
 - UNHCR, *Guiding Principles on Internal Displacement*, 22 July 1998, E/CN.4/1998/53/Add.2. At: <http://www.unhcr.org/refworld/docid/3c3da07f7.html>.
 - UNHCR, *UNHCR and the Military: A Field Guide*, September 2006. At: <http://www.unhcr.org/refworld/docid/465702372.html>.
 - Inter-Agency Standing Committee, *Civil-Military Relationship in Complex Emergencies – An IASC Reference Paper*, 28 June 2004. At: <http://www.unhcr.org/refworld/docid/4289ea8c4.html>.
 - UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power: resolution / adopted by the General Assembly*, 29 November 1985, A/RES/40/34. At: <http://www.unhcr.org/refworld/docid/3b00f2275b.html>.

A refugee woman discovered that her child had been verbally insulted and intimidated by other pupils at the host community school. When she talked to the mother of one of the aggressive pupils, she too was verbally insulted and intimidated. She was told that she and her son and all persons of their ethnicity deserve no more, and that she should be grateful that her child was receiving a free education in the host country. The refugee woman also reported that several mothers from the host community surrounded her and warned her not to allow her son to return to the school. (Hypothetical scenario based on real experiences.)

What is it?

For the purposes of this topic, verbal harassment refers to attempts to intimidate or coerce an individual or a group by threatening, suggesting or insinuating by any action (verbal or otherwise) an intention to do physical or other forms of harm.

The spread of rumours refers here to dissemination of false information about the policies, practices, behaviours, or beliefs (including spells, witchcraft, etc.) of others. In certain circumstances, it can amount legally to defamation.

What is covered in this topic

This topic explores ways to deal with verbal assault, harassment, intimidation and the spread of rumours by members of the host community or persons of concern.

Verbal assault includes threats of physical violence or other forms of harm. Verbal harassment includes the use of gestures suggestive of violence. Intimidation covers a broader range of behaviours designed to evoke fear: yelling, touching in an aggressive manner, hostile gesture or behaviour, refusing to leave

when asked, and damaging property, amongst others.

This topic also covers the spread of rumours in a community of persons of concern, or in the host or local community. This generates a high risk of misunderstanding which can be the cause of ill-conceived decisions and conflicts between or within communities, and can seriously undermine staff safety and security.

Possible causes and triggering factors

With respect to verbal harassment

- Xenophobia, racism and discrimination against certain groups.
- Discrimination on grounds of gender or sexual orientation.
- Discrimination on grounds of social or economic background.
- Discriminatory practices in the delivery of humanitarian assistance and other services (absence of neutrality, impartiality and fairness).
- Discrimination in the administration of justice and law enforcement.
- Lack of appropriate communication channels between persons of concern and host communities.
- Lack of understanding of the vulnerable situation of persons of concern.
- Lack of effective reporting mechanisms.
- Misunderstandings, misinterpretation or absence of rules of conduct or sanctions, resulting in pervasive impunity and unrealistic expectations.

With respect to the spread of rumours

- Lack of transparent communication between persons of concern and UNHCR and partner staff.

- Poor needs assessment, resulting in failure to understand the needs of persons of concern.
- Failure of the local or host community to understand the vulnerable situation of persons of concern.
- Unclear, unfair, unpredictable or irregular application of procedures.
- Lack of transparency in the delivery of assistance and services.
- Frustration and a desire to influence decisions.

What to consider

- Does the person issuing the threat really intend to carry it out?
- Is the threat credible?
- Does the threat seek to intimidate in order to influence the decisions or behaviour of the person threatened?
- Will reporting the threat to the local law enforcement officials place persons of concern in jeopardy? Will a complaint have effect?
- Has all information been corroborated?
- What consequences might the rumours have for persons of concern and staff, including their safety and security, if they are not dealt with immediately?

Immediate action

When a person of concern wishes to report verbal harassment

- Listen to her or him calmly and try to gather as many facts and details of the incident as possible (what, when, who and why).
- Support and inform him or her about reporting options and procedures which can be followed, including relevant legislation and opportunities for legal redress.
- Where necessary and appropriate, explain what obligations the person of concern has in the

host country and what behaviour is expected of him or her.

- In operations with functioning legal and administrative frameworks, do not approach personally an alleged harasser who is a local resident or citizen. Offer the support required to the person of concern (including free legal aid, if feasible) if she or he decides to report the incident to relevant authorities. Consider the risks and advise him or her accordingly, so that he or she can make an informed decision whether to report the incident or not.
- Where legal and administrative frameworks are not functioning, consider using traditional dispute resolution mechanisms, provided they do not violate human rights standards.

Rumours spread by persons of concern

- Gather as much information as possible by interviewing persons of concern individually about the rumour: Where does it come from? What are the main facts? Who is involved? Corroborate information.
- Analyse the possible consequences of the rumour: Does it involve a particular group? What impact could the spread of the rumour have? Do you have to take additional security measures to avoid an incident?
- Meet as soon as possible with leaders of persons of concern, to clarify rumours. Provide facts to counteract the rumour. Take age, gender and diversity factors into account.
- Explain the possible consequences of spreading false information (rumours) for the safety and security of persons of concern.

Rumours spread by the authorities or a host community

- Inform and advise the authorities about the rumours that are being disseminated and seek their help to address this threat.
- Communicate regularly with community leaders to counter false information.

Post-incident responses and actions

- Record the event and report the incident to appropriate persons in the office (Representative, Head of Office, Senior Protection Officer and Field Safety Adviser).
- Reinforce security procedures and measures where necessary. Consider whether it is appropriate to enhance the presence and effectiveness of the police or empower persons of concern to respond themselves to security threats (for example, by reinforcing Community Watch Teams).
- If necessary, inform and involve the host country authorities at a higher level (for example, UNHRC's government interlocutors or the diplomatic police).

1.13

Preventive action

When persons of concern are verbally harassed

- Involve community leaders in raising the awareness of persons of concern about their rights and obligations in the host country.
- If the harasser persists, advise the person of concern to report it to the appropriate authorities, community leaders or traditional dispute resolution mechanisms.
- Develop a system of tracking repeated harassers among persons of concern.
- Clarify and communicate UNHCR values and policies concerning harassment and intimidation.

- Address underlying causes (such as racism, xenophobia and discrimination).
- Request the support of local authorities to address the threat as required.
- If necessary, request law enforcement authorities to provide additional security in a specific area to prevent violent incidents.

When the harasser is a member of the host community

- Encourage leaders of both communities to communicate and improve understanding on both sides of their circumstances.
- Develop a system for identifying members of the host community who are repeatedly responsible for harassment.
- In operations with functioning legal and administrative frameworks, do not approach personally an alleged harasser who is a local resident or citizen. Offer the support required to the person of concern (including free legal aid, if feasible) if she or he decides to report the incident to relevant authorities. Consider the risks and advise the person of concern accordingly, so that he or she can make an informed decision whether to report the incident or not.
- Where legal and administrative frameworks are not functioning, consider using traditional dispute resolution mechanisms, provided they do not violate human rights.

When rumours are spread within the community of persons of concern

- Establish or reinforce channels of communication, with leaders of the community but also with persons of concern more widely. Develop and strengthen regular communication, using multifunctional teams that undertake participatory assessment.

- Keep persons of concern duly informed of any major changes in policy that affect their well-being.
- Organize community awareness campaigns to facilitate the timely dissemination of accurate information.
- Ensure transparency in delivery of assistance and services (communicate in clear terms who is entitled to what).

1.13

When rumours are spread by government officials or a host community

- Inform and advise government authorities of the spread of rumours and seek their help to address this threat.
- Consider the possibility of organizing mass information campaigns with assistance and input from government authorities, the media, community leaders and CBOs, which will send a clear and accurate message to the host community at large about the harmful effects of disseminating false information.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs
 - 2.6 Access to Justice
 - 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
 - 2.9 Promote the Use of the Code of Conduct
 - 2.11 Training on Human Rights, Refugee and International Humanitarian Law
 - 2.12 Screening Points and Reception Centres
 - 2.13 Efficient Status Determination Procedures

- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

-
- UNHCR, *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3ea6c2104.html>.
 - UNHCR, *Safety Guidelines for Sensitive Individual Refugee Cases in an Urban Context*, 4 September 2002 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3dca8ead4.html>.

A refugee woman approached the UNHCR Branch Office seeking advice. In the interview room, before saying a word, she immediately showed her wounds to the Protection Officer: three scars on her abdomen and one ear torn by her earring. Very upset, she confided that she was six months pregnant and that her husband, a drug-addict, regularly beat her and their three young children. (Hypothetical scenario based on real experiences.)

What is it?

Domestic violence is any form of violence perpetrated by a former, or current, intimate partner or by another family member, and may include the infliction of bodily injury, verbal threats and harassment, emotional and psychological abuse, or the destruction of property. It is employed usually to coerce, control, take revenge on or punish a person with whom the abuser had or has an intimate relationship. Domestic violence is nearly always a gender-specific crime.

What is covered in this topic

Women, and men to a lesser extent, experience severe violence in their homes, including battery, assault, rape and murder. These crimes are punished by criminal law in many countries and prohibited by international legal instruments. This topic provides guidance on managing domestic violence incidents, which can take many forms:

- Physical abuse: slapping, battering, pushing, hitting, beating, kicking, confining and stabbing.
- Sexual abuse: sexual exploitation, rape, including marital rape, dowry-related violence; female genital mutilation and other harmful traditional practices.
- Psychological abuse: harassment, humiliation, verbal abuse, forced isolation, including the prevention of friendships.
- Refusal of economic support.

- The use or threat of sanctions, including legal sanctions, against a partner (for example, threats regarding child custody).

Possible causes and triggering factors

-
- Gender inequality and discrimination are the root causes of domestic violence, as a form of sexual and gender-based violence. Discrimination and inequality may be manifest at the level of the individual, family, community, and State.
 - Discriminatory laws, policies and practices can foster tolerance of domestic violence and provide impunity for perpetrators.
 - Forced displacement, and trauma associated with the pressures of adapting to changed circumstances, when men are unable to fulfil their “traditional masculine” roles as protectors.
 - Breakdown in family and community structures. Camps and other locations for persons of concern are artificial communities and regularly lack the traditional village or communal social mechanisms that under normal circumstances would help to reinforce acceptable behaviour and deter domestic violence.
 - Lack of legal, institutional or community-based mechanisms that prevent, redress and protect against domestic violence.
 - Economic vulnerability.
 - Dependence on drugs or alcohol.
 - Dissenting views among family members in relation to durable solution options (for example when one family member prefers local integration while another insists on voluntary repatriation).
 - Proliferation of weapons.

What to consider

-
- Has the legal status of women and men been considered in all stages of the displacement cycle, as forced displacement and

statelessness undermine their economic and physical capacities?

- Do national laws address domestic violence?
- How effectively do the host country's law enforcement authorities address issues of domestic violence?
- Are reporting mechanisms available? How effective and accessible are they for victims/survivors?
- Are confidential health care and psychological support accessible?
- How does domestic violence affect the safety of victims/survivors, notably children and other vulnerable family members?
- Is divorce an option? Is child support available in case of divorce or separation?
- What community-based mechanisms exist to strengthen support for victims/survivors? How are these used?
- Are community-based mechanisms available to prevent domestic violence?
- Are internal relocation and resettlement being considered as protection responses?

1.14

Immediate action

When violence has occurred recently

- Before you intervene, make sure that the victims/survivors are aware of their rights and find out what they wish to do. Your interventions should be consistent with the best interests and the informed decision of victims/survivors. Seek to understand and appreciate the environmental context in which victims/survivors make their decisions.
- Identify the immediate needs of the victims/survivors in terms of: their physical safety; medical assistance; shelter or safe haven; counseling; legal advice; protection for

themselves, their children, or other family members. In doing this, it is important to:

- Preserve confidentiality. Information about the case should not be shared outside UNHCR, unless the informed consent of the victim/survivor has been obtained.
- Conduct interviews in private. Victims/survivors should be offered interviewers and interpreters of the same sex.
- Treat victims/survivors with dignity and respect. They should not be forced into repeating their story in successive interviews. Offices should ensure that (to the extent feasible) one staff member handles the case throughout.
- Recognize the limits of staff expertise. When necessary, seek counsel from superiors and refer victims/survivors to relevant professionals if no qualified staff member is available to interview them.
- Secure the consent of the victim/survivor before alerting law enforcement authorities or pursuing community-based mediation and counselling by community elders, family or friends.
- Provide accompaniment and support, if requested. Where the victim/survivor agrees to it, accompany him or her to the police station or court and be present during interviews and court appearances. If the victim/survivor wishes to pursue legal redress, provide legal representation through an implementing partner.
- Consider whether local social structures can provide support to victims/survivors and their families, including shelter.
- Involve other stakeholders, such as psychosocial counsellors, community leaders, peers. Identify mechanisms that can assist children to recover from violence or abuse that they have suffered or witnessed.

- Follow up all cases regularly, as appropriate and possible.

When others, not the victim/survivor, report domestic violence

- Corroborate the report.
- If appropriate, make contact with the victims/survivor, but be aware that this could put him or her at risk, and could endanger the staff member as well.
- Offer assistance (such as medical assistance, shelter or safe haven, counselling, legal advice, and protection measures for children).

1.14

Preventive action

It can be hard to determine the imminence of a threat of domestic violence. In cooperation with persons of concern in the community, staff and partners should be vigilant in identifying warning signs of domestic violence.

Interventions at the level of persons(s) deemed at risk

- Monitor the individual and family as necessary or when requested to do so.
- Inform individuals identified as being ‘at risk’, about their legal rights, support networks, the range of responses to address their situation, and the availability of medical and psychosocial care, counselling, and other forms of assistance.
- With partners, establish national and local referral mechanisms and Standard Operating Procedures that will protect victims and survivors of domestic violence and their families by providing immediate multi-sectoral support to meet their needs (in the health, psychosocial, shelter, legal/judicial and safety/security sectors), as required.

- Organize community awareness campaigns to encourage and enable women to report cases of domestic violence. Use the campaigns to inform them of national referral and reporting mechanisms that are available.
- Train support workers, among staff of UNHCR and partners, who can manage incidents of domestic violence effectively and confidentially.

Interventions at the level of the perpetrator

- When possible, facilitate work with perpetrators, that addresses the “trigger mechanisms” and behavioural patterns that lead to domestic violence. It should be remembered that victims/survivors of domestic violence will very often remain in the relationship, even if it is abusive, for social, economic, or community reasons.

Interventions at community level

- Establish or improve networking and community mobilization. Focus particularly on relations with elders, religious leaders, community-based groups, neighbourhood associations, and men’s and women’s groups.
- Sensitize men, women, adolescents and children to the long-term harm that domestic violence causes to individuals, families and communities. In particular, organize focus group discussions with men to sensitize them and enlist their support for efforts to prevent domestic violence.
- Provide human rights training and information on domestic violence to community groups, police, social workers, legislative bodies, and advocacy groups.
- Extend protection by presence. Increase the presence of female staff, where possible.
- Promote community monitoring of domestic violence, particularly during food distributions,

harvests, and other events which the community identifies as appropriate.

When violence is habitual

- Monitor the safety of victims/survivors and other members of the family who may also be at risk as a result of exposure to domestic violence.
- Facilitate the use (when appropriate) of complementary measures of support. These may include mediation or counselling by community elders, family or friends, provided that such measures respect the human rights and the best interests of victims/survivors. In many situations both victims/survivors and the larger community may turn to community-based mediation and counselling to resolve problems of domestic violence.
- Facilitate the provision of legal advice, support and protection to victims/survivors through available referral mechanisms.
- Consider the possibility of making livelihood opportunities available to victims/survivors.

1.14

General preventive considerations

- Acquire a good understanding of the community's attitudes to, and awareness of, domestic violence.
- Acquire knowledge of national laws on domestic violence.
- Recognize that domestic violence is a human rights violation.
- Adopt a multi-disciplinary approach. Involve host country stakeholders and service providers, other UN Agencies, INGOs and NGOs in the development and implementation of an overall strategy for responding to domestic violence.
- Establish effective reporting, monitoring, data collection and analysis systems.

- Work with the formal legal systems and where appropriate with traditional systems to ensure their practice is compatible with international human rights standards.
- Provide training to law enforcement, judicial and other national authorities, in human rights law, refugee law, international humanitarian law, and gender issues, to increase their knowledge and understanding of domestic violence.
- Establish mechanisms to identify at an early stage families and individuals who are at risk or at heightened risk of domestic violence.
- Establish advocacy and awareness building programmes on domestic violence, to highlight that every person (men, women, and children) has the right to be free from all forms of violence.
- Sensitize and encourage men to take ownership in efforts to address domestic violence and its root causes.
- Help to rebuild family and community structures and support systems, by identifying and addressing the primary sources of family and community deterioration.
- In cooperation with other stakeholders, identify programmes that will reduce the vulnerability of families and communities, by addressing the causes of vulnerability.
- Support and advocate for changes to national laws in the host State or the country of origin, to strengthen the protection of individuals and families.

Relevant responses

-
- 2.1 Access to Essential Services and Basic Needs
 - 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support programmes

- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

- UNHCR, *UNHCR Resettlement Handbook*, July 2011 Edition. At: <http://www.unhcr.org/4a2ccf4c6.html>.
- UNHCR, *Action against Sexual and Gender-Based Violence: an Updated Strategy*, June 2011. At: <http://www.unhcr.org/refworld/docid/4e01ffeb2.html>.
- UNHCR, *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.
- UNHCR, *UNHCR Handbook for the Protection of Women and Girls*, January 2008. At: <http://www.unhcr.org/refworld/docid/47cfc2962.html>.
- Human Rights Watch, *Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania's Refugee Camps*, October 2000.

At: <http://www.hrw.org/legacy/reports/2000/tanzania>.

- Inter-Agency Standing Committee, *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, September 2005. At: <http://www.unhcr.org/refworld/docid/439474c74.html>.
- Inter-Agency Standing Committee, *Handbook for the Protection of Internally Displaced Persons*, June 2010. At: <http://www.unhcr.org/refworld/docid/4790cbc02.html>.
- UNICEF Innocenti Research Centre Florence Italy, “Domestic violence against women and girls”, in *Innocenti Digest No. 6*, June 2000. At: <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>.

Jane's mother left her daughter with her husband, Jane's father, in her country of origin, when she was just seven. At the age of 15, he forced Jane into a temporary marriage with a cousin. After the marriage ended 48 hours later, Jane's father took her to the neighbouring country, allegedly to find her mother. At the border with the neighbouring country he abandoned her, having previously sold her to a stranger, without Jane's knowledge. Jane had no choice but to put her trust in the man, who claimed he would protect her. Instead he brought her other men, who raped her. A few days later she was taken to a club in the capital, taught to belly dance provocatively to attract customers' attention, and was forced into sex work for nearly two years. When she became pregnant, she was left in the street to fend for herself. Jane was 17 at the time. Local social workers found her and placed her in a rehabilitation centre for minors. She stayed there for several weeks until a social worker reported her case to the UNHCR Office, which submitted her case urgently for resettlement. Jane has recently given birth to a baby girl and both live now safely in the country of resettlement with a foster family. (Hypothetical scenario based on a real experience.)

What is it?

Exploitation is the abuse of a person where the perpetrators of the abuse receive remuneration or other benefit, which may be monetary, social, political or other. Exploitation is a form of coercion and violence that violates an individual's human rights, and harms his or her physical and mental health and development.

The most prevalent forms of exploitation are labour and sexual exploitation, including prostitution. Other forms of exploitation include commercial exploitation, domestic servitude or bonded labour, pornography, and trafficking.

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including,

but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

What is covered in this topic

This topic covers the most common forms of exploitation faced by persons of concern, including exploitation associated with abuse of power, sexual violence, and trafficking and smuggling. It includes generic guidelines for mitigating risks associated with exploitation.

Possible causes and triggering factors

-
- Situations of armed conflict and forced displacement.
 - Collapse of State authority and breakdown of the rule of law resulting in lawlessness and erosion of social and community values.
 - Breakdown of the family unit and absence of a stable family environment. (This particularly increases risks for children.)
 - Flight or mass population movement. (This particularly increases the risks for children and women.)
 - The presence of criminal gangs in open reception centres, which may put persons of concern at heightened risk of exploitation.
 - Lack of personal security, and entitlement documents (ration cards) in camps or settlements for unaccompanied women and girls.
 - In some contexts, women and children from marginalized ethnic, religious or social groups are targets of sexual violence and exploitation as a form of 'ethnic cleansing'.
 - Lack of efficient screening points and reception centres.
 - Poverty, economic insecurity, inequitable access to resources.

What to consider

- What national laws refer to exploitation?
- How effectively do the law enforcement authorities address exploitation in its various forms?
- Are reporting mechanisms available and accessible to victims/survivors, and are they effective?
- Are confidential health care and psychological support services available and accessible?
- How does exploitation affect the safety of victims/survivors, children and other vulnerable family members?
- Do community-based mechanisms exist? Are they used effectively to strengthen the support provided to victims/survivors?
- How can such mechanisms be supported to prevent exploitation?
- Should internal relocation or resettlement be considered as a possible protection response?

1.15

Immediate action

- Collect information on incidents. Confirm and cross-check data against different sources, where possible.
- Interview and provide counselling to the exploited person of concern and, as appropriate, take the following actions:
 - Collect basic information and facts that enable you to understand the problem and keep in contact with the exploited person of concern.
 - Discuss the exploited person's options with him or her and seek his or her informed decision and consent to refer the case to other colleagues or agencies for further action.
 - Assess whether the exploited person is exposed to new immediate risks of harm.

- Ensure adequate medical treatment is made available.
- Ensure the exploited person has access to mental health and psychosocial support programmes.
- Ensure that legal counselling is provided.
- Discuss with the individual the possibility of reporting his or her case to the authorities.
- Consider relocation and possible referral to a safe house. Resettlement to a third country should be considered in certain situations.
- Provide humanitarian assistance where necessary and appropriate.
- When unaccompanied or separated minors are involved, undertake a best interest determination in accordance with UNHCR guidelines and SOPs.
- Ensure tracing and family reunification where necessary.

Preventive action

Information gathering and reporting mechanisms

- Develop information networks for gathering and analysing information on incidents.
- Ensure reporting mechanisms are in place that enable communities to report and respond. Ensure that persons of concern are aware of and familiar with these mechanisms. Ensure that reporting systems respect confidentiality.
- Engage in a dialogue with all partners to increase understanding: concerning the extent of the problem; the cultural context in which exploitation occurs; social norms and values that influence behaviour; the effects of exploitation on the community and individuals; and to identify those who are potentially most at risk.

- Assess local law enforcement agencies and other relevant stakeholders and engage with them to strengthen their capacity to understand the problem of exploitation and respond to it.

Responses and mitigation mechanisms

- Develop response and mitigation strategies and Standard Operating Procedures. Use community awareness campaigns to inform and advise persons of concern about forms of exploitation in the community and the risks they generate.
- Increase the capacity of persons of concern to respond, by developing and implementing training and education initiatives. Use a rights-based and multifunctional approach. Focus your efforts in particular on teenage girls, young women and other groups at high risk.
- Establish systems (social safety nets) to assist persons of concern who are particularly vulnerable in socio-economic terms or most exposed to exploitation, including vulnerable men, women, minors and the elderly.
- Ensure that individuals and groups who are directly affected by exploitation have access to basic needs and other essential services.

1.15

Relevant responses

- 2.1 Access to Essential Services and Basic Needs
- 2.2 Site Selection and Planning
- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats

- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.9 Promote the Use of the Code of Conduct
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

Further references

- UNHCR, *Conclusion on Protection from Sexual Abuse and Exploitation*, No. 98 (LIV) – 2003, 10 October 2003. At: <http://www.unhcr.org/refworld/docid/3f93b2c44.html>.
- UNHCR, *Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons*, December 2009 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4b5876442.html>.
- UNHCR, *The Heightened Risk Identification Tool (User Guide)*, June 2010, Second Edition. At: <http://www.unhcr.org/refworld/docid/46f7c0cd2.html>.
- ARC, *Action for the Rights of Children (ARC)*. At: <http://www.arc-online.org/using/index.html>.
- UN Secretary-General (UNSG), *Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 9 October 2003, ST/SGB/2003/13. At: <http://www.unhcr.org/refworld/docid/451bb6764.html>.

The average processing time for refugee status determination is six months. But applicants are not willing to wait that long. Even for those already recognized as refugees, resettlement opportunities are very limited. In desperation, many asylum-seekers turn to the option of smuggling, thinking that it offers a fast-track route into a third country with better local integration prospects. When they engage the services of smugglers, however, many asylum-seekers expose themselves to dangerous journeys that are unlikely to achieve the secure future in the country of destination that they hope for. Some are trafficked or fall prey to extreme exploitation and find themselves in a vicious cycle of physical and psychological abuse from which they cannot easily escape. (Hypothetical scenario based on real experiences.)

What is it?

Trafficking in Persons and Smuggling of Migrants are serious crimes, prohibited under international law, and criminalized in a number of national legal regimes and regional instruments. They constitute a violation of human rights and an offence to the integrity and dignity of the human being. A wide range of actors are involved in human trafficking and smuggling and their prevention. They include those who are smuggled or trafficked and their families; traffickers and smugglers and their accomplices; law enforcement agencies; anti-trafficking organizations; UN and other international agencies; and a range of institutions in countries of origin, transit and destination.

The internationally accepted legal definition of “trafficking in persons” is: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a

person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The 2000 Palermo Protocol requires that this conduct be criminalized in domestic laws. When children are victims/survivors, the element of coercion or control is not required to determine that trafficking has occurred. Trafficking consists therefore of three core elements: 1) the action (recruitment, transportation, transfer, harbouring or receipt of persons); 2) the means (threat or use of force or other forms of coercion); and 3) the purpose (exploitation). Human rights instruments protect certain rights which are particularly relevant in the context of trafficking. For example, the right to an adequate standard of living is important for the causes of trafficking; the right to freedom from slavery is important for the actual process of trafficking; and the right to a fair trial is important for the responses to trafficking.

Trafficking in persons is often confused with smuggling of migrants, which is defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. Smuggling refers only to the illegal movement of persons across international borders. It may or it may not have an exploitative purpose or involve elements of force, deception, abuse of power or position of vulnerability or fraud. It does, however, require personal gain or profit and involves the consent of the smuggled person. The relationship between a smuggler and a smuggled person is a voluntary business transaction that usually ends after the border has been crossed. Individuals who procure their

own illegal entry to a country or the illegal entry of others, for reasons other than gain (such as individuals who arrange to bring in their family members), are not considered to be smugglers or to have smuggled.

A comprehensive anti-human trafficking response must include a human rights-based approach whereby the rights of all trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.

What is covered in this topic

The refugee and statelessness conventions do not deal with the issue of trafficking in persons. UNHCR becomes involved where human trafficking affects persons of its concern. UNHCR's main aims are: to prevent persons of concern from being trafficked; to ensure that the international protection needs of victims of trafficking (or persons at risk of being trafficked) are recognized; to make sure that victims of trafficking have access to fair and efficient status determination procedures; and to prevent victims of trafficking from becoming stateless and protect victims of trafficking who are stateless.

UNHCR and partner staff are likely to come across human trafficking and smuggling in two distinct situations. First, persons of concern may be trafficked or smuggled into a country of asylum. Second, persons of concern may be trafficked or smuggled out of their country of asylum into a third country, in search of higher standards of protection. In both situations, persons of concern are likely to have suffered, or to be at imminent risk of suffering, acts of exploitation and violence, seriously detrimental to their physical and mental well-being. Protecting persons of concern from the effects of trafficking and smuggling requires an array of

1.16

immediate responses and longer-term preventive mechanisms.

UNHCR staff encounter trafficking most frequently as a form of sexual and gender-based violence and exploitation, associated with the trade in forced sexual services. However, people may also be trafficked into conditions of forced and exploitative labour, for the purposes of slavery or practices similar to slavery, for the removal of organs, or to facilitate irregular international adoptions.

In practice it is often difficult to distinguish between cases of human trafficking and smuggling. The two processes overlap frequently and are interrelated. Criminal networks often use the same routes and methods to transport smuggled and trafficked persons. Smuggled persons may often find themselves deceived, coerced or forced into an exploitative situation when they are smuggled, or in the country of destination. Smuggled migrants are often at risk of becoming victims of human trafficking, due to their vulnerable position and illegal presence.

Understood as legally defined criminal acts, the critical elements that distinguish trafficking from smuggling need to be clearly understood by staff who are responsible for protecting persons of concern from the risks that smuggling and trafficking pose to them.

Possible causes and triggering factors

- Limited access to regular documentation and means of travel.
- Smuggling may be the only viable means available to escape situations of persecution and to access asylum in another country.
- Frustration over limited access to any of the three durable solutions as a result of which persons of concern seek alternative methods of

moving to countries where they expect to have better opportunities to rebuild their lives.

- Isolation of persons with specific vulnerabilities within communities of persons of concern (refugees, IDPs and stateless), exacerbating the existing distinctions associated with ethnicity, age, marital status or other factors and exposing some individuals or groups to a heightened risk of trafficking.
- Destruction of family unity and support structures or loss of socio-economic support systems.
- Precarious legal status.
- Lack of enjoyment of basic rights essential to the attainment of self-reliance, which makes persons of concern (whether displaced or stateless), especially women, vulnerable to trafficking.

1.16

What to consider

- Are persons of concern willing to consider warnings about the risks associated with smuggling and human trafficking, or not?
- What are the survival mechanisms of extended family or community groups who smuggle persons of concern?
- Are persons of concern involved actively and directly in networks responsible for smuggling or trafficking activities?
- Are corrupt officials or official institutions involved in the organization or facilitation of smuggling or trafficking of persons of concern?
- What will be the consequences and risks for persons of concern, and staff of UNHCR and its partners, if their responses to trafficking and smuggling are perceived to threaten the illegal but lucrative business of traffickers and smugglers?
- Are trafficked and smuggled persons of concern held in detention, where they may be subject

to imminent deportation orders or criminal proceedings that may amount to *refoulement* or arbitrary expulsion?

Immediate action

When persons of concern are intercepted and detained

- Establish the precise location of the person who is potentially of concern to UNHCR, for example after interception at a land border or at sea, or following a police crackdown on smuggling or trafficking operations.
- Monitor the arrival of refugees and other persons of concern in mixed migratory flows, and ensure that victims of trafficking or those at risk of being trafficked are identified among them.
- Visit places of detention and assess, through individual interviews, the circumstances of affected persons. Ensure that trafficked persons of concern are properly identified and offered the best available protection and assistance, including protection from *refoulement* and arbitrary expulsion, pending assessment of their international protection needs.
- Arrange prompt exchange of information, and agree coordination and referral mechanisms with key actors (national authorities, IOM, NGOs, etc.) to ensure that victims and survivors of trafficking are immediately identified and offered protection and assistance, taking into account their needs and the best interests of the child.
- In the above context, the UNHCR/IOM framework document *Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons* should be activated in all cases. Ensure that victims of trafficking have access to status determination procedures (refugee status or statelessness determination procedures), and to UNHCR, to

determine fairly and promptly their international protection needs.

- Where possible, advocate that persons of concern are transferred promptly to appropriate accommodation outside the penal system (for example, migrant holding facilities; safe houses offering legal, medical and psychological support or other specialized services, etc.).
- Consider the possibility that protective accommodation will need to be provided to individuals who might be called as witnesses for the prosecution in a trial of traffickers or smugglers, and may as a result be exposed to risk of reprisals.

1.16

Preventive action

Security forces, humanitarian personnel and information networks

- Intervention by UNHCR is more frequently required after an act of human trafficking and smuggling has already occurred.
- In certain situations, notably in camps, settlements and collective centres but also in host families, it may be possible to identify trends which point to a threat or likely surge in trafficking or smuggling activities in advance.
- Use counselling activities, community awareness and mass information campaigns, to respond to such trends appropriately.
- The temporary deployment of additional security forces to camps, settlements and collective centres may deter traffickers and smugglers from targeting persons of concern as victims or potential clients.
- When deploying additional security forces be mindful that:
 - Members of security forces may be directly or implicitly involved in trafficking or smuggling activity.

- Persons of concern may wish to use the services of smugglers and traffickers.
- Protection by presence is an important complementary measure in addition to the deployment of security forces. The regular and predictable presence of humanitarian personnel is key to increasing the community's confidence in their work.
- Protection by presence is also a pre-condition for establishing effective information networks. These are key to the early detection of threats that trafficking and smuggling pose to persons of concern, as well as responses to them.
- Corroborate all information that is collected through information networks.

Multi-sectoral approach

- Designate a trafficking focal point within UNHCR and adopt a multi-sectoral approach to the issue in UNHCR country operations.
- Ensure that persons of concern have access to adequate services that meet their basic socio-economic needs. This is an essential step to reduce the attractiveness of smuggling and trafficking.
- Organize community awareness campaigns for persons of concern on human trafficking and migrant smuggling. Brief them about the various forms of trafficking and smuggling, and the threats they pose to the well-being of persons of concern.
- The profits that can be earned from trafficking and smuggling make it likely that these activities will persist. It is therefore likely that UNHCR and its partners will need to monitor these threats and interact frequently with communities, and with individuals who are considered to be at heightened risk. Use the heightened risk identification tool and the specific needs codes to identify such individuals. Follow regularly

the cases of such individuals, not only during participatory assessments.

- Civil society, and national and international NGOs and partners, play a crucial role in providing specialized accommodation, legal assistance, and psychosocial support in the short- and medium-term.
- Advocate with relevant authorities to ensure that persons in need of international protection, including victims/survivors of human trafficking and smuggling, can access national asylum systems and will not face *refoulement*.
- Promote asylum-sensitive anti-trafficking legislation, policies, programmes and interventions and practice at national and regional level.
- Develop guidelines and SOPs for State authorities and officials (notably police officers, border guards, immigration and asylum officials, and others involved in the detection, detention, reception and processing of irregular migrants), so that victims of trafficking and persons at risk of being trafficked who may be persons of concern can be identified promptly and accurately, and protected.

1.16

International and national legal frameworks and advocacy

- In accordance with its mandate, UNHCR should continue to advocate with States to respect and ratify relevant international treaties, such as the 1951 Refugee Convention and its 1967 Protocol, the 1954 and 1961 Statelessness Conventions, and regional refugee and statelessness instruments.
- In conjunction with UN sister agencies, UNHCR should promote accession to the international instruments on prevention of human trafficking and smuggling.

- Recurrent and persistent misunderstandings about the free will of victims of trafficking feed prejudicial conclusions about their role and contribution to the crime of which they are victim. Address such misunderstandings and prejudice by sustained advocacy and community awareness and mass information campaigns, leading to the establishment of legal and institutional frameworks that are sensitive to, and support the interests of victims, including those who may be persons of concern to UNHCR. Civil society and NGOs have an important role to play in ensuring an appropriate response from the legal system which should defend the human rights of trafficked and smuggled persons, rather than attempt to hold them criminally liable.
- Ensure that efforts to combat organized crime (including trafficking and smuggling) are integrated appropriately in the broader operational agendas.
- Familiarize UNHCR, partner staff and national officials with the fundamental concepts of trafficking and smuggling. Understanding the nature of each is a first step towards understanding their impact on persons of concern, and ultimately towards designing appropriate prevention, protection, redress and response strategies. Information campaigns may help to meet this objective.
- Conduct training on refugee protection, protection of stateless persons, IDP protection, and human trafficking and smuggling, and integrate modules on these subjects within the training programmes offered to relevant actors (judiciary and lawyers, law enforcement actors, border officials, parliamentarians, social welfare staff, humanitarian actors). Involve other relevant partners (for example, IOM, UNODC, OHCHR) in such training.

Relevant responses

- 2.1 Access to Essential Services and Basic Needs
- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.9 Promote the Use of the Code of Conduct
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

1.16

Further references

- UNHCR, *Comments on the proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims* (COM(2010)95, 29 March 2010), June 2010. At: <http://www.unhcr.org/refworld/pdfid/4c0fa7092.pdf>.

- UNHCR, *Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons*, IOM and UNHCR Internal Referral Tool, December 2009 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4b5876442.html>.
- UNHCR, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07. At: <http://www.unhcr.org/refworld/docid/443679fa4.html>.
- UNHCR, *Human Trafficking and Refugee Protection: UNHCR's Perspective*, September 2009. At: <http://www.unhcr.org/refworld/docid/4ae17da12.html>.
- UNHCR, *Protecting Trafficked Persons in the Americas: A Refugee Law Perspective*, May 2010. At: <http://www.unhcr.org/refworld/pdfid/4bf0f11e2.pdf>.
- UNHCR, *Refugee Protection and Human Trafficking, Selected Legal Reference Materials*, First Edition, December 2008. At: <http://www.unhcr.org/refworld/pdfid/498705862.pdf>.
- UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in action*, February 2011. At: <http://www.unhcr.org/refworld/docid/4d9430ea2.html>.
- UNHCR, *The Identification and Referral of Trafficked Persons to Procedures for Determining International Protection Needs*, October 2009, PPLAS/2009/03. At: <http://www.unhcr.org/refworld/docid/4ad317bc2.html>.

- International Organization for Migration (IOM), *The IOM Handbook on Direct Assistance for Victims of Trafficking*, ISBN: 978-92-9068-371-1, 9 May 2007. At: http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/CT%20handbook.pdf.
- UN Children's Fund (UNICEF), *Guidelines on the Protection of Child Victims of Trafficking*, September 2006. At: <http://www.unhcr.org/refworld/docid/49997af727.html>.

You work in a camp where refugees have lived for over a decade while conflict continues intermittently in their home country. Living conditions are harsh and there are limited prospects for durable solutions. Many refugees are despondent. The protection team notices an increase in the number of incidents of self-harm, including a rise in the number of suicides and suicide attempts by poisoning. (Hypothetical scenario based on real experiences.)

What is it?

A range of injurious acts which persons of concern may resort to, causing physical or mental harm to themselves. Self-harm may be a means to bring pressure or to protest. It may also result from extreme distress, desperation, depression or mental illness and be devoid of any element of protest.

1.17

What is covered in this topic

This topic provides guidance on handling situations where self-harm is used as means to express public protest or is an act of desperation in response to intolerable personal circumstances. Incidents of self-harm may frequently occur during demonstrations and crowd violence and may be linked to broader frustrations that triggered these incidents. These can escalate easily, generating security risks that threaten the physical integrity and well-being of a wide range of individuals and groups: the persons of concern involved, the wider community, staff of UNHCR and its partner agencies.

Private forms of self-harm by persons of concern are also challenging. Overwhelmed by the desperation of their circumstances and unable to see any viable alternative, self-mutilation of this kind is an alarm that may signal a critical opportunity to intervene supportively.

In all instances of self-harm the immediate victims are perpetrators of injurious acts against themselves. These acts may intentionally or unintentionally cause direct or immediate harm to others. Depending on the context in which it occurs, self-harm can generate criminal behaviour and acute protection concerns within families and larger community groupings.

Possible causes and triggering factors

-
- Disappointment or failed expectations with regard to recognition of refugee status.
 - Deliberate manipulation in an attempt to achieve a desired outcome (with regard to durable solutions, for example, such as resettlement).
 - Desire to attract public attention, or personal attention.
 - Frustration at living conditions and lack of economic prospects.
 - Protest in reaction to specific policy decisions (changes in food rations, distributions of NFI, access to education, or work opportunities, etc.).
 - Inability to cope with personal circumstances (undue pressure for early marriage, intra-family violence, withdrawal from school, etc.).
 - Precedents of self-harm incidents that had a desired effect.
 - Lack of, or inadequate Age, Gender and Diversity mainstreaming, causing the specific needs of particular groups within the population of concern to be unidentified and unaddressed.

What to consider

-
- Is there scope for constructive communication with persons of concern?
 - Is there a risk of manipulation, by leaders or community representatives?

- Has the presence and interest of the media been considered?
- Has the potential for escalation of protest been considered? Has the role of police or law enforcement agencies been considered?
- Do social taboos govern family and community attitudes to self-harm? Are individual acts of self-harm deemed to violate or challenge certain practices?
- Are the community dynamics that give rise to individual acts of self-harm sufficiently visible and well understood?
- Is the attitude of local or host communities towards the population of concern negative or supportive?
- Are different concerns, frustrations and anxieties that persons of concern live through, as well as UNHCR's response capacity, taken into consideration?

Immediate action

When self-harm occurs in a protest situation

- Identify individuals who will serve as principal focal points for interaction with the protesters, relevant national authorities and UNHCR staff respectively.
- Coordinate all actions with field safety staff.
- Establish contact with the appropriate national authorities and ensure that they are briefed on UNHCR's strategy of engagement with the protesters and that this strategy is duly informed by their legal assessment of the situation. Identify the specific needs of any vulnerable individuals within the group, whether they are participating in acts of self-harm or not (for example, pregnant or lactating mothers, young children, elderly or infirm persons, persons with disabilities, lesbians, gays, bisexual, transgender and intersex individuals).

- Establish contact with identifiable representatives in order to commence a dialogue.
- Establish contact with members of the group who are visibly engaged in acts of self-harm and advise them on the damage that their acts may cause, to their own health and well-being and to their families.
- Determine and clearly convey, to representatives and the group at large, ground rules with respect to vulnerable individuals, focusing on their needs and the most appropriate way to meet them, carefully avoiding the risk that their presence might be exploited by protest organizers.
- Reassure the whole group and its representatives that their concerns have been recorded and are receiving due attention (without making any commitment that cannot be fulfilled).

When individuals resort to self-harm without the intention to protest

- Identify and engage a trained community services or medical professional to determine the individual's immediate medical and psychosocial needs. Ensure the victim has access to appropriate mental health and psychosocial support.
- Establish direct contact with the individual. As far as possible, create a context in which from the earliest stage the individual is empowered to take control of decisions that affect him or her.
- If the individual is physically or mentally incapable of participating in a decision-making process, try to identify a neutral family member who can help determine what response is in his or her best interest and best promotes his or her immediate and longer-term welfare.

- Ensure that standards of confidentiality in the handling of individual cases are strictly applied. Do not unnecessarily or prematurely involve actors who are not directly concerned with the immediate response.

Preventive action

In the work environment

- Establish or maintain a dynamic multifunctional team that regularly reviews and highlights the concerns of the various sub-groups of the population of concern, using participatory assessments. This will provide insights into the community dynamics that give rise to individual self-harm.
- Ensure registration, documentation and status determination procedures are carried out in due time and are not a cause of tension. Ensure that persons of concern have access to essential services, as appropriate.
- Use the process of registration and identification to become familiar with specific cases and address both individual and group concerns, thereby defusing tensions and mitigating the risks of imminent or future self-harm.
- Extend protection by presence, by organizing regular field monitoring missions, individual interviews, subsequent assessments of the identified concerns that may trigger self-harm, and follow-up reparatory action.
- Ensure persons of concern have access to essential services and basic needs (including access to counselling, legal and psychosocial services), as appropriate. Special measures may need to be taken to meet the needs of the most vulnerable groups.
- Ensure medical and health staff are adequately trained to deal with cases of self-harm.

1.17

Information and communication with communities

- Utilize available channels of communication (individual or public) to convey clear messages to persons of concern on key policies and operational considerations that affect them.
- Post signs outside the office and in other public places to explain rules and procedures. Make sure that the language used is clearly understood by everybody. Provide information regularly about different processes, including precise time lines for taking decisions.
- Together with members of the community and other partners and agencies involved, discuss possible sources of discontent within the community that lead to cases of self-harm. Analyse whether the incidents are isolated or caused by underlying factors that could increase their number.
- Meet community leaders on a regular basis, and inform them about different aspects of the programmes that affect them. Make sure persons of concern receive adequate information in a timely manner, to avoid misunderstandings that could cause security incidents.

Procedural possibilities

- Contact local authorities to make them aware of the possibility that incidents of self-harm are likely or imminent, and agree on protocols to follow if they occur. Ensure all staff know what to do if incidents occur.
- If they are not already in place, establish Standard Operating Procedures to follow if self-harm incidents recur and agree appropriate courses of action. Make sure that staff who work with persons of concern (security personnel, Protection Officers) understand

the protocol they should follow if they are confronted by a case of self-harm.

Relevant responses

- 2.1 Access to Essential Services and Basic Needs
- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

1.17

Further references

- UNHCR, *Guidelines for Handling Protests, Demonstrations and other Group Disturbances among Refugees*, 15 September 2004 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/48b2c8112.html>.

- UNHCR, *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3ea6c2104.html>.
- UNHCR, *Safety Guidelines for Sensitive Individual Refugee Cases in an Urban Context*, 4 September 2002 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3dca8ead4.html>.
- Inter-Agency Standing Committee, *Guidelines on Mental Health and Psychosocial Support in Emergency Settings*, June 2007. At: <http://www.humanitarianinfo.org/iasc>.
- Inter-Agency, Standing Committee, *Checklist for field use of IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings*, December 2008. At: <http://www.humanitarianinfo.org/iasc>.
- United Nations, *Security Operations Manual*, 1 September 1995. At: https://intranet.unhcr.org/intranet/unhcr/en/home/support_services/security_for_field/security_library/handbooks_.html.

Sexual Violence and Harmful Traditional Practices

Marie was first raped three years ago during a raid on her village that left her husband and 10 children dead. She was about 70 years old at the time. Soon after she became an internally displaced person. Armed men raped her again, one month ago, when she left the shelter of her IDP camp to search for a teenage girl who had gone missing while foraging for firewood in the forest. Women and girls in this IDP camp are particularly vulnerable when they collect firewood. UNHCR responded by providing about 500 women with fuel-efficient stoves so that they no longer have to forage for firewood in the nearby forest. The women will also be taught to make fuel briquettes from sawdust and paper. The project will benefit all households in the camp. (Hypothetical scenario based on real experiences.)

What is it?

Sexual violence is a form of gender-based violence. It includes any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological or emotional harm. Sexual and gender-based violence (SGBV) covers much more than sexual assault or rape. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty. While women, men, boys and girls can be subjected to sexual violence, women and girls are the most frequent victims/survivors.

Customary or traditional practices are usually derived from social, cultural or religious values, and associated with age, gender or social class. However, some traditional practices are harmful to health, well-being and development, most frequently of women and girls. Their most prevalent forms – female genital mutilation and early childhood marriages – also constitute acts of sexual violence.

Acts of sexual violence and harmful traditional practices, violate a number of human rights that are set out in international instruments (for example, the right to life, liberty and security of person, the right to the highest attainable standard of physical and mental health, and the right to freedom from torture or cruel, inhuman, or degrading treatment or punishment).

What is covered in this topic

This topic discusses how to prevent and respond to sexual violence and harmful traditional practices that affect persons of concern. UNHCR, together with States, shares the responsibility to ensure that persons of concern are protected against sexual violence and harmful traditional practices.

The more common forms of sexual violence are rape and marital rape, child sexual abuse, defilement and incest, forced sodomy/anal rape, attempted rape or attempted forced sodomy/anal rape, sexual abuse and sexual harassment, and sexual violence as a weapon of war and torture.

The more common forms of harmful traditional practices are female genital mutilation, early marriage, forced marriage, forced abortion, honour killing and maiming, infanticide, and child neglect. It should be remembered that harmful traditional practices that violate the individual human rights of persons of concern will normally require the intervention of UNHCR. Inaction in such cases may result in injury or even death.

Possible causes and triggering factors

- Lack of physical security due to a collapse of law and order or weak law enforcement.
- War and armed conflict, including the presence of armed forces, armed elements and combatants.
- Breakdown of social, community or family structures; disrupted roles within both.

- Displacement, including of children who may be unaccompanied or separated.
- Intolerance or xenophobia.
- Legal systems that condone sexual violence or harmful traditional practices.
- Traditional or customary laws and practices that reinforce gender discrimination.
- Inadequate access to shelter, food, water and fuel.
- The design and social organization of camps or collective centres; poor design of services and facilities.
- Lack of access to education.
- Lack of training and abuse of power by individuals in a position of authority, who control access to assistance and services.
- Poverty and inadequate access to livelihood or income-generating activities, increasing exposure to forced prostitution or survival sex.
- Discriminatory social, cultural or religious laws, norms and practices that marginalize women and girls, and fail to respect their rights.
- Lack of advocacy campaigns condemning and denouncing SGBV.
- Physical and mental disabilities.
- Alcohol and drug use/abuse.
- Psychological trauma and stress related to flight, displacement or conflict.
- Civil status or vulnerable situation in society (for example, single heads-of-household, single or unaccompanied women or girls).
- Social norms that violate the individual rights of women and girls who are exposed to threats if they oppose them (FGM, underage or forced marriage, polygamy, lack of respect of their sexual orientation, etc.).

1.18

What to consider

The following are some of the key principles elaborated at length in Chapter 2 entitled *Guiding Principles, of the Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response*, May 2003.

- Have you engaged the community fully in understanding and promoting gender equality and power relations that protect and respect the rights of women, men, girls and boys?
- Have you ensured coordinated multi-sectoral action by all actors (governments, NGOs, UNHCR, UN Agencies, civil society, persons of concern)?
- What measures have you introduced to integrate and mainstream actions you take?
- How do you ensure accountability at all levels?
- Is the framework for all programming based on international legal principles (as set out in refugee, international human rights and international humanitarian law)?
- Have all staff who provide services in the programme, including interpreters, received a specific briefing on preventing and responding to SGBV? Have they all signed the UNHCR Code of Conduct or an equivalent?
- Have you taken measures to ensure the safety of victims/survivors and their families?
- Has the confidentiality of affected persons and their families been respected at all times?
- Have the wishes of victims/survivors been respected, when decisions are made about the most appropriate course of action to prevent or respond to SGBV incidents? Have their rights and dignity been protected? Do you also bear in mind during this process the safety of the wider community and the individuals concerned?
- Are services provided without discrimination on any grounds?

- Do you apply all of the above principles to children? Do you respect their right to participate in decisions that will affect them? Are best interest determination procedures in place? Do they guide decisions taken on behalf of children, and are they followed?
- Are special procedures in place for working with child survivors and child perpetrators?

Immediate action

The actions that should be taken immediately, when an incident of sexual violence or harmful traditional practices occurs, are described in detail in Chapter 4 entitled *Responding to Sexual and Gender Based Violence*, of the *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response*, May 2003. The following should be considered:

- Victims/survivors may report the incident to anyone whom they perceive can be of assistance. Those to whom they report have a responsibility to advise the victim/survivor of the services that are available to her or him.
- All actors should strictly adhere to the reporting and referral system outlined in the Standard Operating Procedures.
- Having been informed about the assistance which he or she can expect (from services provided by the health, legal, psychosocial and security sectors), it is for the victim/survivor to decide whether the incident should be further referred to or reported to any other actor. When a local NGO is the lead agency, general information about the nature of the incident may be conveyed by the NGO to UNHCR, but the identity of the victim or survivor should not be revealed without his or her prior consent. In general, victims and survivors ought to be advised that UNHCR, as the responsible

1.18

protection agency, should be informed of the incident.

- All service providers should inform victims/survivors of what assistance they can offer and should clearly indicate what they cannot provide, to avoid false expectations. All service providers in the referral network must be familiar with the services of other institutions to whom they refer victims/survivors.
- Where acts of sexual violence (such as rape) and harmful traditional practices (like female genital mutilation) have caused physical and mental harm, health assistance is the priority service. In the case of rape, health assistance may also include emergency contraceptive and post-exposure prophylaxis (PEP kits) for HIV/AIDS, when available, after counselling and subject to the individual's consent.
- Victims/survivors who wish to pursue legal action should be granted free legal aid. In many instances, acts of sexual violence, in particular rape or sexual abuse, are defined as crimes and investigated *ex officio* by the police. In such cases, relevant police departments secure medical assistance for the victim and simultaneously obtain forensic evidence of the rape. Acts of sexual violence or female genital mutilation should be reported to the police as soon as possible. If victims/survivors refuse to approach the police, they should nevertheless be offered the health care they require.
- Follow-up and assistance may be offered by the agency responsible in any sector (health, psychosocial, safety/security, legal/justice), as requested. The assistance offered in the safety/security sector may include internal relocation of victims/survivors to a safe house or shelter centre. It is preferable to use the services of safe houses or shelter centres available to nationals, if possible. Assistance in the legal/justice sector may include the provision of free

legal aid and legal assistance during eventual court proceedings.

Preventive action

Medium-term measures

- Convene and coordinate a Working Group to discuss prevention and response measures regularly.
- Conduct regular situational analysis, using participatory assessments and evaluation of activities, ensuring that their outcomes are incorporated in an Action Plan, reflected in the Country Operations Plan.
- Through the Working Group, establish SGBV Standard Operating Procedures.
- Assess, with the Working Group, the capacity of each actor to deliver services that aim to prevent and respond to sexual violence and harmful traditional practices in the health, legal/justice, psychosocial and safety/security sectors, as well as education and livelihoods, and advocate for resources when gaps are identified.
- Provide adequate and regular training and raise awareness on sexual violence and harmful traditional practices among staff members and partners, making use of UNHCR's Code of Conduct, and the *UN Secretary General's Bulletin on Sexual Exploitation and Abuse* (2003). Training should also be offered to law enforcement agents, local authorities, teachers and persons of concern.
- Establish a secure, confidential office system for receiving and processing incident report forms as well as monthly statistics and monthly reports.
- The temporary deployment of additional security resources at camps, collective centres and settlements can be effective in preventing SGBV.

1.18

- Take action to improve safety and security around camps and collective centres. Focus particularly on locations where acts of SGBV are likely to occur, such as distribution centres, water points, areas of firewood collection and schools.
- Develop community networks that can be an important early warning system for potential risks of SGBV, increasing the ability of relevant actors to intervene at an early stage.

Long-term measures

Chapter 3 entitled *Preventing Sexual and Gender Based Violence*, of the *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response*, May 2003, elaborated at length the long-term steps that should be taken to prevent sexual violence and harmful traditional practices. It should be remembered that the first step in prevention of sexual violence and harmful traditional practices is to identify, understand and address their causes and contributing factors.

- Community mobilization plays an important role in transforming socio-cultural norms. Longer-term prevention strategies should seek to influence changes in knowledge, attitudes and behaviour. They should develop information, education and communication campaigns; strengthen community networks; ensure gender balance in decision-making and leadership structures; empower women economically and otherwise; and involve men in prevention. They can help to address the root causes of sexual violence and harmful traditional practices – discriminatory cultural beliefs and attitudes.
- You may consider other preventive responses that address risk factors related to access to basic needs and services.

- Legal reform, which improves access to justice and the building of the technical capacity of State institutions, is a key component of any effective prevention strategy.
- Livelihoods and education programmes can empower women to better understand their rights and protect themselves more effectively.

Relevant responses

- 2.1 Access to Essential Services and Basic Needs
- 2.2 Site Selection and Planning
- 2.3 Access to Primary Health Care and Counselling
- 2.4. Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.9 Promote the Use of the Code of Conduct
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.16 Livelihoods
- 2.17 Local Integration
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

1.18

Further references

- UNHCR, *Action against Sexual and Gender-Based Violence: An Updated Strategy*, June 2011. At: <http://www.unhcr.org/refworld/docid/4e01ffeb2.html>.
- UNHCR, *Policy on Harmful Traditional Practices*, IOM/083/1997-FOM/090/1997, 19 December 1997 [internal]; annexes [external]. At: <http://www.unhcr.org/refworld/pdfid/3efc79f34.pdf>.
- UNHCR, *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.
- Inter-Agency Standing Committee, *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, September 2005. At: <http://www.unhcr.org/refworld/docid/439474c74.html>.
- Inter-Agency Standing Committee, *Women, Girls, Boys and Men: Different Needs – Equal Opportunities*, IASC Gender Handbook in Humanitarian Action, December 2006. At: <http://www.unhcr.org/refworld/docid/46978c842.html>.
- Inter-Agency, *Eliminating Female Genital Mutilation. An Interagency Statement*, February 2008. At: <http://www.unhcr.org/refworld/docid/47c6aa6e2.html>.
- UN Security Council, *Security Council Resolution 1888 (2009) [on acts of sexual violence against civilians in armed conflicts]*, S/RES/1888, 30 September 2009. At: <http://www.unhcr.org/refworld/pdfid/4ac9aa152.pdf>.
- UN World Health Organization (WHO), *Clinical Management of Survivors of Rape. A Guide to the Development of Protocols for Use in Refugee and Internally Displaced Person Situations*, January 2005, WHO/RHR/02.08. At: <http://www.unhcr.org/refworld/docid/403b79a07.html>.

Soon after they returned home, a UNHCR Field Officer made a protection monitoring visit to several former IDP families. They told her that a family member had been murdered or found dead after having disappeared. Some of the families alleged that government security forces or local armed militia groups were involved. They no longer felt safe and feared more incidents would occur. Government security forces tightly controlled this politically sensitive return area, in a country that had experienced a bitter internal conflict along ethnic lines. Active fighting or open hostilities had ceased. The government had declared the area safe. (Hypothetical scenario based on a real experience.)

What is it?

For the purposes of this Manual, the term **“unlawful killing”** refers to any killings in breach of international law. This includes all violations of the right to life as guaranteed under international human rights law; killings in breach of international humanitarian law; and killings that are otherwise defined as crimes in international law.

The right to life in international human rights law is non-derogable – meaning that it cannot be lawfully restricted, even during a public emergency or in times of armed conflict. This does not imply, however, that it is always a crime for a State to kill. There are exceptions. International human rights law does not prohibit capital punishment, provided certain safeguards are observed. The use of lethal force in the context of law enforcement is also lawful under certain conditions, as are killings during armed conflict which are consistent with international humanitarian law. However, international human rights law prohibits any arbitrary or unlawful deprivation of life for which the State is responsible. This applies to situations where State officials are directly implicated in killings, but also

to situations when a State is indirectly responsible for killings by non-State actors (for example, if it tolerates the actions of paramilitaries or other armed groups).

In the context of an international or non-international armed conflict, unlawful killings are those which breach the rules and principles of international humanitarian law. These include: attacks against civilians or other protected persons (for example, individuals who are no longer taking part in fighting, because they are wounded or have laid down their arms); and deaths of civilians or other protected persons that result from attacks against legitimate targets, but which fail to respect rules on targeting and the conduct of operations, including with regard to the choice of weapons. Unlawful killings during armed conflict may constitute **war crimes** – i.e. serious violations of international humanitarian law for which individuals can be held directly responsible under international law (treaty or customary). War crimes may be committed by civilians and military personnel. Examples of war crimes that involve unlawful killings include: “wilful killing of protected persons in the context of the four Geneva Conventions”; “murder ... of civilian residents of an occupied territory...”; “murder ... of prisoners of war”; “killing of hostages”; and “wanton destruction of cities, towns and villages, and any devastation not justified by military, or civilian necessity”.

Other unlawful killings – that is, crimes for which perpetrators (who may be civilians) can be held responsible directly under international criminal law – include **crimes against humanity**, which are fundamentally inhuman acts (for example, murder, extermination, enforced disappearance) when committed as part of a systematic or widespread attack against a civilian population; and **genocide**, which refers to certain criminal acts (including killing) committed with intent to

destroy, in whole or in part, a national, ethnic, racial or religious group.

What is covered in this topic

This topic provides guidance on handling situations in which unlawful killings of persons of concern to UNHCR have taken place, or where there exists an immediate risk that they will take place. Unlawful killings may occur in situations of general armed international or non-international conflict; internal disturbances and tensions, such as riots and other sporadic acts of violence that do not constitute a non-international armed conflict; or in situations that are otherwise peaceful. In some situations State actors (security forces, police) or armed non-State actors may be implicated.

1.19

Possible causes and triggering factors

- Ethnic, political, religious or racial tensions.
- Political incitement of violence against a certain group or individuals.
- Violence against minorities.
- Incitement and rumours.
- Competition for scarce resources.
- Land and property conflicts.
- Violent reaction to differences of opinion.
- Breakdown of the rule of law resulting in a general situation of lawlessness or a sense of impunity.
- Victims were perceived to be a security threat (for example, they were believed to be terrorists, or affiliated with a certain group).
- Hate crimes.
- Election-related violence.
- Personal reasons as motives for common crimes (such as murder).

In situations of non-international or international armed conflict, when international humanitarian law applies

- Targeted attacks against civilians or other protected persons.
- Indiscriminate attacks, such as indiscriminate bombings.
- Civilians caught in cross-fire.

What to consider

Action in relation to international criminal tribunals

- Has an international criminal tribunal, its investigators or prosecutors, or a defence lawyer representing a client before such a tribunal, requested UNHCR to grant access to individual persons of concern?
- Have such persons asked UNHCR to share documentary evidence, in its possession or generated by it, relating to persons of concern as well?
- Have you been referring all such requests to Headquarters (for the attention of the Director of the Department of International Protection-DIP), for consideration and guidance?
- Have you informed the requesting parties that they should address such requests to the Director of DIP, in line with standing arrangements?
- Have you also sought guidance from the Legal Affairs Section at Headquarters in cases where there is doubt over whether a particular piece of information or document can be shared?

Action in relation to persons of concern and security actors

- Have you contacted relevant partners, such as ICRC, the police or UN peacekeeping mission, in accordance with standing arrangements?

- Do you believe that you (as a UNHCR staff member) or the UNHCR office may incur a security risk because you have knowledge of an unlawful killing? If so, have you immediately informed the Head of Office and the Field Safety Adviser about it?
- Have you considered what physical security measures (including internal relocation) you might need to take to protect the safety of persons of concern who have witnessed unlawful killings, or family members of the victims?
- Remember that UNHCR does not engage in police work or criminal investigative tasks, and is not responsible for maintaining law and order. Nor does UNHCR directly provide physical protection to persons of its concern. The physical safety of persons of concern is the responsibility of the host government. In special situations, under a Security Council Chapter VII mandate, physical safety of civilians may also be the responsibility of a peacekeeping or peace enforcement mission.
- Have persons of concern been exposed to undue risk of interference with their privacy when interviewed by international criminal tribunals? If so, have you considered what action you might take, in close consultation with DIP?
- Have you asked the person of concern who has witnessed an unlawful killing whether he or she wishes to be contacted by an international criminal tribunal? In such a case, the decision of the person of concern should always be respected.

1.19

Immediate action

Action in relation to persons of concern and security actors

- Collect, verify and corroborate to the extent possible all the information that is available

about the unlawful killing (or threat of unlawful killing). Draw on all available sources (persons of concern, government, non-governmental partners, etc.).

- Record all the information you collect. Direct any request to share documents you obtain or produce to the Head of Office.
- Approach the local law enforcement agency (for example, the police) at local and central level requesting it to reinforce existing security measures for the protection of persons of concern.
- Request the local law enforcement agency to ensure the physical protection of the family of the victim, and any individual person of concern who might face reprisals because they are co-operating with an international criminal tribunal, are implicated in an investigation, or have witnessed an unlawful killing.
- Consider internal relocation options, before assessing resettlement needs. An assessment in each case will be necessary to determine whether resettlement is the appropriate protection response.
- Assess whether the incident might trigger further developments that might put the security of persons of concern at risk. If such a risk exists, consider appropriate preventive actions.

Action in relation to other organizations

- Where severe breaches of international humanitarian law affecting persons of concern have occurred, UNHCR may take a joint position with ICRC and express it publicly through the media. It may similarly take a joint position with OHCHR and even with independent national human rights institutions.
- Report to relevant human rights mechanisms, as appropriate, under the guidance of, and in close consultation with DIP.

- Always coordinate with ICRC when unlawful killings occur in the context of an armed international or non-international conflict.
- In situations of indiscriminate bombing or when persons of concern are caught in cross-fire, ensure humanitarian access to victims and their families, again in coordination with ICRC. In the process, advocate jointly with ICRC for the establishment of a humanitarian corridor and subsequent internal relocation of persons of concern. Consider also initiating or participating in multi-level advocacy activities that aim to halt hostilities in general.

Preventive action

Action in relation to relevant national and international actors

1.19

- Advocate with the local authorities to extend physical protection to persons of concern in accordance with their international obligations.
- Develop and implement a strategic multi-level advocacy plan to ensure humanitarian access and advocate for a halt to hostilities jointly with all pertinent international and national actors. The plan might focus on government officials, security forces, the host population, armed non-State actors, and other partners who could have an impact on them (for example diplomatic missions, peacekeeping missions, ICRC, other UN agencies).
- Interact with international security forces, in accordance with standing arrangements.
- Ensure the deployment of security personnel, as warranted.
- Involve relevant international actors in advocacy efforts with national authorities to restore the rule of law.
- Report to relevant human rights mechanisms, under the guidance and in close consultation with DIP.

- Promote confidence building measures between conflict-affected communities of persons of concern and the host government and security authorities.
- Provide and promote trainings for national authorities on human rights, refugee law and international humanitarian law and principles.

Action in relation to persons of concern and host communities

- Ensure that affected persons of concern have access to adequate medical treatment and mental health and psychosocial support programmes.
- Counteract the spread of false information (rumours), in both communities of persons of concern and host communities, by providing information and counselling.
- Ensure that persons of concern are registered and documented.
- Extend protection by presence. Ensure that you have deployed to the field sufficient numbers of staff of both sexes.
- Establish effective protection monitoring systems and information networks, to gather information and analyse it.
- Ensure and improve access to justice.
- Assess internal relocation and resettlement needs.
- Empower persons of concern to respond to threats of unlawful killings and to report incidents in timely manner.

Relevant responses

-
- 2.3 Access to Primary Health Care and Counselling
 - 2.4 Access to Mental Health and Psychosocial Support Programmes
 - 2.5 Enhance the Capacity of National Institutions and NGOs

- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.15 Resettlement
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.20 Deployment of Security Personnel in Assistance to UNHCR Operations
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements
- 2.22 Internal Relocation and Safe Houses

1.19

Further references

- UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003. At: <http://www.unhcr.org/refworld/docid/3f5857d24.html>.
- UNHCR, *Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*. At: <http://www.unhcr.org/refworld/pdfid/3f5857684.pdf>.
- UNHCR, *Self-Study Module 5: Human Rights and Refugee Protection*, vol. I, 15 December 2006. At: <http://www.unhcr.org/refworld/docid/466942032.html>.
- UNHCR, *Self-Study Module 5: Human Rights and Refugee Protection*, vol. II, 15 December 2006. At: <http://www.unhcr.org/refworld/docid/4669434c2.html>.
- ICISS, *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty. At: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

- Inter-Agency Standing Committee, *Civil-Military Guidelines and Reference for Complex Emergencies*, 7 March 2008. At: <http://www.unhcr.org/refworld/docid/47da82a72.html>.
- International Committee of the Red Cross (ICRC), *Interpretive guidance on the notion of direct participation in hostilities under international humanitarian law*, May 2009. At: <http://www.unhcr.org/refworld/docid/4a670dec2.html>.
- International Committee of the Red Cross (ICRC), *Professional Standards for Protection Work Carried out by Humanitarian and Human Rights Actors in Armed Conflict and Other Situations of Violence*, October 2009. At: <http://www.unhcr.org/refworld/docid/4b39cba52.html>.
- UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Negotiations with Armed Groups. A Manual for Practitioners*, January 2006. At: <http://www.unhcr.org/refworld/docid/46924c322.html>.

Immigration authorities unexpectedly raided the apartments of several hundred UNHCR-registered asylum-seekers and refugees living in a city in the host country. Many of those detained were women and children who had lived in the city for several years. Some were awaiting resettlement. The raid and the detentions were given wide publicity. (Hypothetical scenario based on a real experience.)

What is it?

For the purposes of this Manual, detention is defined as confinement within a narrowly bounded or restricted location (including prisons, closed camps, formal and informal detention facilities; and airport transit zones, when freedom of movement is curtailed and the only opportunity to leave the area is to leave the territory).

1.20

What is covered in this topic

This topic provides guidance on handling cases in which asylum-seekers, refugees or other persons of concern are detained as a result of unauthorized or unlawful entry or stay, irregular status, or overstaying in a country (immigration detention). Because of their circumstances (flight from their country of origin) and their motivation (to seek asylum and international protection), asylum-seekers, refugees and other persons of concern, unlike other foreigners in a country, should normally be exempt from sanctions for immigration offences (see Article 31 of the 1951 Convention). This is a necessary exception to the general duty of every refugee to conform to the laws and regulations of the country in which they find themselves, including measures taken to maintain public order (Article 2 of the 1951 Convention).

Immigration detention occurs most frequently at border entry points, airports, and checkpoints, but may occur at many other locations where the

presence of refugees is questioned. Detention is frequent in urban settings but could also take place elsewhere, including in camp settings.

Immigration offences are not deemed to be criminal offences or crimes in most jurisdictions. However, refugees and asylum-seekers are often arbitrarily arrested and detained, purportedly for the commission of criminal offences. It should be borne in mind that asylum-seekers and refugees, like all other individuals within the jurisdiction of the host country, shall not be subjected to arbitrary arrest and detention (Article 9 of ICCPR).

This topic does not cover the arrest or detention of asylum-seekers, refugees or persons of concern for violations of criminal law (with which they are obliged to comply).

Possible causes and triggering factors

-
- National (immigration) laws allow for detention but are not consistent with international refugee and human rights law.
 - National (immigration) laws allow detention and are rigidly and strictly interpreted and applied.
 - Authorities pursue policies of deterrence against refugees and migrants.
 - Law enforcement authorities lack knowledge of refugee and/or human rights law.
 - Law enforcement authorities abuse their power.
 - Law enforcement authorities discriminate and or intimidate as a means of extortion.
 - Any combination of the above.

What to consider

-
- What are the principal circumstances of detention incidents? Are they unexpected or isolated or do they occur in a series indicating the emergence of a pattern or trend?
 - Are sources of information reliable? Have you confirmed the facts of the case from other sources?

- How many persons of concern have been detained? What is their profile, basic demographic breakdown, and status? What are their protection needs?
- What standard of treatment do detained persons of concern receive, at arrest and during detention?
- Have you considered involvement of other human rights and humanitarian actors (ICRC, OHCHR, NGOs, the national human rights institution, if one exists, etc.)?
- Are Standard Operating Procedures in place for addressing this issue with relevant authorities?
- Is UNHCR able to get access to persons of concern who are in detention?
- Are all children exempted from detention for entry-related offences? Are they detained for criminal offences only as a last resort?

1.20

Immediate action

Communication and information

- Contact the relevant police and civil authorities. Explain UNHCR's role with regard to the detained persons of concern. Explain the status of those detained. Enquire about the causes or reasons for arrest, and establish what the next steps are in terms of procedure (for example, appearance in court, payment of a fine, transfer to an immigration detention facility, etc.). Refer to relevant refugee and human rights instruments that apply to the case(s) in question.
- Try to establish direct contact with detained persons of concern, either directly or through implementing partners.
- Check the legal status of persons of concern in the host country. (To do so, consult the relevant national or UNHCR registration database.)
- Gather information about the reasons and circumstances of detention from independent

and reliable sources. When sharing information on individual cases with others, observe UNHCR's Confidentiality Guidelines.

- If detention is clearly unjustified in law or is otherwise arbitrary, negotiate the release of persons of concern who are detained.
- Identify extremely vulnerable persons of concern (for example, pregnant women, children, individuals who are seriously ill, etc.). Intervene to provide additional assistance to such individuals and negotiate for their immediate release.

Coordination

- Maintain a diplomatic and non-confrontational manner when dealing with the authorities.
- Arrange or facilitate legal representation for detained persons of concern, by a qualified NGO, a lawyer or lawyers' association, or equivalent.
- Extend protection by presence. In practical terms this implies that protection staff, supported by field safety staff, should monitor every step of the proceedings (to the extent possible).
- Coordinate with the Public Information Officer in the Country Office, Regional Office or Headquarters, to ensure that you communicate with and respond to the media in an appropriate way. If an arrest or detention has been publicized, it may be necessary to prepare a Public Information (PI) statement for release to the media through the PI Officer/Focal Point.
- Note that any PI statement or strategy should be approved and cleared with the Representative or Officer-in-Charge. The Public Information Section in HQ should also be consulted.

Preventive action

- Include protection safeguards that prevent arbitrary detention of persons of concern in national migration and readmission policies and agreements.
- Establish Standard Operating Procedures that allow UNHCR and its partners to intervene in cases of arbitrary detention in a timely and predictable way.
- Gather information on, and analyse, the reasons and circumstances of detention, drawing on a range of independent and reliable sources.
- Establish effective protection monitoring mechanisms at border crossings.
- Advocate for UNHCR's unimpeded access to all reception and detention centres for apprehended irregular migrants in which persons of concern may be temporarily detained.
- Advocate that persons of concern in detention should have access to legal aid (if feasible, free of charge). Urge the authorities to grant free legal aid providers access to all reception and detention centres for apprehended irregular migrants as well as to reception centres for asylum-seekers.
- Enhance the capacity of national institutions and NGOs, *inter alia* through the provision of training on international human rights law, refugee law, and international humanitarian law, including standards that cover detention. Seek the cooperation and support of ICRC and OHCHR (as appropriate) on such training.

1.20

Relevant responses

- 2.1 Access to Essential Services and Basic Needs
- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes

- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.21 Presence and Effectiveness of Police in Camps, Centres and Settlements

Further references

-
- UNHCR, *1951 Convention relating to the Status of Refugees and its 1967 Protocol*. At: <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.
 - UNHCR, *UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers*, 26 February 1999. At: <http://www.unhcr.org/refworld/docid/3c2b3f844.html>.
 - UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. At: <http://www.unhcr.org/refworld/docid/3ae6b38f0.html>.
 - UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171. At: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html>.
 - UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/

RES/428(V). At: <http://www.unhcr.org/refworld/docid/3ae6b3628.html>.

- UNHCR, *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and Other Migrants*, April 2011, PPLA/2011/01.Rev.1. At: <http://www.unhcr.org/refworld/docid/4dc935fd2.html>.

Refoulement and Arbitrary Expulsion

Scenario A: *A national of an African State entered a European State with a visa granted for purposes of marrying a national of the country. On arrival he applied for asylum. The administrative asylum body rejected his application. The man had the right to appeal to a court within three days and, by law, the lodging of an appeal would suspend the asylum body's decision. However, he was prevented from appealing, because he was immediately expelled to a third country, which in turn returned him forcibly to his country of origin. In that country, members of his minority group have a well-founded fear of persecution on grounds of their race and religion. State authorities are unwilling to protect them. (Hypothetical scenario based on real cases.)*

Scenario B: *A non-international armed conflict erupted in Country A. The country's armed forces, controlled by the majority ethnic group, drove members of the minority ethnic group en masse to its border with neighbouring Country B. Country B had a significant minority population of the same ethnic background as the minority ethnic group of Country A. Fearing destabilization on ethnic lines, country B closed its border. For a prolonged period, several thousand people remained stranded between the two official border crossings. (Hypothetical scenario based on real cases.)*

What is it?

Arbitrary expulsion is the removal of an asylum-seeker, refugee or stateless person, who is lawfully in the territory of the host State, to a country (in which he or she will not be persecuted) which has not been undertaken in accordance with Art. 32 of the 1951 Convention and the identical Art. 31 of the 1954 Convention. Expulsion can only take place on grounds of national security and public order. It should be initiated only as a measure of last resort and if it is the only practical means to protect the legitimate interests of the State. The term “lawfully in the territory” means not just “stay”

or “residence” but also any form of authorized presence, including one that is temporary. Asylum-seekers who have entered or have been present in a host State illegally, but whose status determination procedure has been initiated, should be considered as “lawfully in the territory”. An expulsion decision can be made by any administrative or judicial authority. Expulsion must also respect due process. This means that an asylum-seeker, refugee or stateless person should be allowed a reasonable period of time to seek legal admission into another country. The host State may apply internal measures which it deems necessary during this time (such as detention).

Refoulement. Prohibited by Art. 33 of the 1951 Convention, *refoulement* is expulsion or return of an asylum-seeker or refugee to a country in which his or her life or freedom would be threatened on one or more of the five Convention grounds. It is permissible only if: there are reasonable grounds for regarding him or her as a danger to the security of the country in which he or she is, or if he or she has been convicted (by a final judgment) of a particularly serious crime and constitutes a danger to the community of that country. It is irrelevant whether he or she is lawfully in the host country or not.

Refoulement. As prohibited by a range of human rights instruments (including CAT, ICCPR, ECHR), it is the expulsion or return of an asylum-seeker, refugee or stateless person to a country in which he or she risks being deprived of his or her life or subjected to torture or inhuman or degrading treatment or punishment. It is prohibited in all circumstances, and is not permitted in the context of measures to combat terrorism or during armed conflict.

Arbitrary expulsion may be carried out through any measure that compels an asylum-seeker, refugee or stateless person to leave the territory of a host State, which he or she is in lawfully. This would include forcible removal following an expulsion order, but also a residence ban whose effect would be to cause the person concerned to leave the territory of the host State. It can affect asylum-seekers, Convention and mandate refugees, and persons granted complementary (subsidiary) protection.

Stateless persons are protected against arbitrary expulsion only if they are lawfully in the territory of a country. Stateless persons who are not lawfully in a country, even if they are habitually resident there, may be subject to a cycle of repeated arrests and detentions, since they may be ordered to leave the country having nowhere else to go.

Refoulement may be carried out through expulsion as well as any other form of forcible removal of asylum-seekers and refugees, for example by deportation, extradition, informal transfer or “rendition”. Typical examples of *refoulement* include the following:

- Expulsion or return of an asylum-seeker or refugee to his or her country of origin, or in the case of a refugee who is stateless, to the country of former habitual residence.
- Expulsion or return of an asylum-seeker or refugee to a third country where he or she would be exposed to persecution, threat to life, torture or inhuman or degrading treatment or punishment.
- Expulsion or return of an asylum-seeker or refugee to any country in which he or she will be at risk of being sent to any other country where he or she would be exposed to persecution, threat to life, torture or inhuman or degrading

treatment or punishment. This situation is known as “chain” or “indirect” *refoulement*.

In practice, *refoulement* can affect asylum-seekers, Convention and mandate refugees, and persons granted complementary or subsidiary protection. It can also affect asylum-seekers whose asylum applications have been rejected; and persons of concern whose refugee or complementary protection status has ceased or been revoked or cancelled, in a procedure which has not been efficient or in line with international norms and standards.

Measures of rejection or non-admission of asylum-seekers and refugees at the border amount to *refoulement*. The principle of *non-refoulement* has an extra-territorial applicability. *Refoulement* can occur at the border, on the high seas, even on the territory of another State. The key issue is not whether persons of concern are in the State’s national territory, or within a territory that is by law under the sovereign control of the State, but whether they come within the effective control and authority of that State.

Possible causes and triggering factors

-
- Government is reluctant to grant access to territory and status for various reasons, often presented as concerns regarding sovereignty and stability.
 - Police or border guards, at entry points and within the territory, are not properly informed of procedures that should be followed.
 - The principles of no arbitrary expulsion and *non-refoulement* are simply not respected by the authorities.
 - Border monitoring and presence by UNHCR and its partners are insufficient.
 - Persons of concern lack identity documents confirming their status.

- The status of persons of concern has not been formally determined.

What to consider

- Does the host State grant individuals seeking international protection access to its territory and to fair and efficient refugee status determination procedures? The principle of *non-refoulement* is of particular relevance for asylum-seekers. Because they may be refugees, they should not be returned or expelled pending a final determination of their status.
- Does the host State grant individuals who claim to be stateless the right to remain within its territory pending examination of their claim, and access to fair and efficient statelessness determination procedures?
- Have you focused your activities on preventing, rather than merely responding to, arbitrary expulsion and *refoulement*?
- Has your office taken all reasonable and feasible measures to prevent arbitrary expulsion and *refoulement*, and to respond to them appropriately when they occur? The UNHCR Representative has a key role in ensuring this.
- Have you been collecting and verifying information in order to properly document interventions to prevent or respond to incidents of arbitrary expulsion and *refoulement*?
- Remember that UNHCR never, under any circumstances, supports, assists or facilitates actions by others that would lead to arbitrary expulsion or *refoulement* or that would compromise the Office's ability to uphold the principle of *non-refoulement*.

1.21

Immediate action

Internal communication

- Communicate cases of arbitrary expulsion and *refoulement* (or the risk thereof) to the Bureau Director and DIP Director, copying the responsible Desk Officer, the Bureau's Regional Legal Advisors, and Executive Assistants of the Bureau Director and the DIP Director.
- Request a high level, official mission to follow up incidents.
- The Representative of the Country or Regional Office shall ensure that all relevant staff in the operation, including the national and regional PI officers, and partners, as appropriate, are kept continuously informed about the incident as developments evolve.
- The communication to the Bureau and DIP should include the following data: the reporting office; the type of the protection incident; the date and source of the information received by the office; details of the affected persons of concern (age, gender, family composition, etc.); facts related to the incident, including actions already taken and their results; additional contextual information; relevant actions taken or proposed by others (e.g. lawyers, NGOs, IGOs); recommended additional actions; details of the focal points handling the incident; and relevant attachments.
- The information should be gathered from all accessible sources, including media reports. Strive to ensure that the information relayed is accurate and has been verified. Indicate sources of information, and whether it has been confirmed by another source or could not be verified.

In relation to national authorities and courts

- Express regret or protest to the authorities, both in writing and verbally.

- Request assurances, in writing and verbally, that similar incidents will not occur in future.
- Request the competent authorities to reiterate publicly their commitment to protection principles.
- Request a joint or independent inquiry to determine the causes of the arbitrary expulsion or *refoulement*, the sequence of events, and actions or communications that could have prevented it. Share and discuss the conclusions with the competent authorities.
- Initiate a court intervention, by means of a UNHCR letter as “a friend of the Court” (*amicus curiae* brief), or an advisory opinion, or by providing informal support to the court or other body, to the person of concern or to his or her lawyer in the appeal process.

Communication with national authorities

1.21

Depending on the urgency and seriousness of the case, your communication with national authorities should take one of the following forms:

- A letter from the Country or Regional Representative.
- A letter from the Bureau Director and/or DIP Director.
- A *Note Verbale* issued at Field or Headquarters’ level.
- A call or letter from AHC (P).
- A call or letter from the High Commissioner (at an appropriate government level in Geneva or in the host country).

In relation to external stakeholders

- Request and draw on the support of external stakeholders, notably: third countries; international and national NGOs, in particular those that provide free legal aid; other

protection actors (OHCHR, Council of Europe, Special Rapporteurs, etc.).

- Reflect *refoulement* incidents in UNHCR inputs to human rights reports, reports prepared by third countries and international NGOs, and other assessments of the national protection system that regional or international bodies produce.

In relation to the media

- Evaluate the advantages and risks of making use of the media. Possible interventions with the media may include a statement of regret or protest following an arbitrary expulsion or *refoulement*. If possible, inform the government in advance of UNHCR's intention to go public. Monitor the media for reactions. React objectively to criticism of UNHCR.
- Depending on the case, you might decide to address local, regional or international media (sequentially or simultaneously).

In relation to the country of origin or third country

Once an incident of arbitrary expulsion or *refoulement* has occurred:

- Immediately inform UNHCR in the country of origin or the country of transit to which the person has been sent.
- Explore potential follow-up actions to be taken in the country of origin, including but not limited to the following:
 - Monitor ports and border areas for arrival.
 - Visit detention centres to speak with those who have suffered *refoulement* and who have been detained.
 - Alert sister agencies and partners and request them to monitor the situation.
 - Offer emergency resettlement.

- Request other countries (via capitals, embassies or missions) to intervene with the country of origin.
- Similar actions can be taken in a third country to which a person of concern has been returned.

Preventive action

In relation to national authorities

- Find out the reasons behind the government's concern and, together with the government, look for ways to address those concerns while avoiding arbitrary expulsion and *refoulement*.
- Request formal, written assurances that incidents of arbitrary expulsion and *refoulement* will not take place. Where assurances are only given informally, communicate to the authorities in writing the Office's understanding of the informal assurances received.
- Request the authorities to take specific preventive administrative and executive action.
- Explore possible remedies.
- Request the competent authorities to reiterate publicly their commitment to protection principles.
- Offer operational protection support to prevent incidents of *refoulement*.
- Offer the possibility of emergency resettlement.
- Express concern to the authorities and stress the potential consequences of *refoulement* for persons of concern. Alert them to the reactions they can expect from UNHCR and other stakeholders.

1.21

In relation to appeal bodies and courts

- Explore the availability of effective interim measures and the possibilities of appeal at national, regional or international level. The bodies with which you may wish to intervene (either directly or through a lawyer representing the individual case), in order to prevent,

challenge or seek redress for a decision or planned decision to remove a person, may be judicial or administrative.

- Initiate a court intervention, by means of a UNHCR letter as “a friend of the Court” (*amicus curiae* brief), or an advisory opinion, or by providing informal support to the court or other body, to the person of concern or to his or her lawyer in the appeal process).

In relation to external stakeholders

- Request and draw on the support of external stakeholders, notably: third countries; international and national NGOs, in particular those that provide free legal aid; and other protection actors (OHCHR, Council of Europe, Special Rapporteurs, etc.).
- Be prepared and alert. Work and coordinate closely with your implementing partners, in particular those offering free legal aid, in order to take immediate action with relevant administrative and judicial bodies. Ensure that you receive information regularly on the whereabouts of persons of concern and their well-being.

In relation to the media

- Depending on the circumstances, you may find it is appropriate to issue a public statement aimed at preventing arbitrary expulsion and *refoulement*. If you do so, anticipate the different issues and questions that the media may raise and develop answers to likely questions in advance (an if-asked media line). In general, monitor the media to gather information about national policies on this issue but also on how the overall image of UNHCR is portrayed.

Relevant responses

- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.6 Access to Justice
- 2.7 Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats
- 2.8 Adherence to International Norms and Standards in Law and Practice
- 2.9 Promote the Use of the Code of Conduct
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.13 Efficient Status Determination Procedures
- 2.14 Ensure Registration and Documentation
- 2.15 Resettlement
- 2.18 Community Awareness and Mass Information Campaigns
- 2.19 Coexistence Measures
- 2.22 Internal Relocation and Safe Houses

1.21

Further references

- UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007. At: <http://www.unhcr.org/refworld/docid/45f17a1a4.html>.
- UNHCR, *Informal Note on Expulsion and Prohibition of Refoulement Under International Refugee Law*, 11 August 2006 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4786315e2.html>.
- UNHCR, *Note on Expulsion of Refugees and Stateless Persons under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1954 Convention relating to the Status of Stateless Persons*, July 2009 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4a83c8722.html>.

- UNHCR, *Standard Operating Procedures (SOPs) for Addressing Refoulement or Imminent Risk of Refoulement* [internal], April 2010. At: <http://swigea56.hcrnet.ch/refworld/docid/4d08b6e32.html>.
- UNHCR, *The Principle of Non-Refoulement as a Norm of Customary International Law. Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93*, 31 January 1994. At: <http://www.unhcr.org/refworld/docid/437b6db64.html>.
- UNHCR, *UNHCR Note on the Principle of Non-Refoulement*, November 1997. At: <http://www.unhcr.org/refworld/docid/438c6d972.html>.

1.22

Improvised Explosive Devices and Crossfire

Shortly after the internal conflict in the host country had ceased, a bus, that UNHCR had procured to help transport children of concern from the capital to the nearby village, struck an improvised explosive device about 2 kilometres from the village. There were no casualties and the bus suffered minor damage. A subsequent search of the area the following day found two further incendiary devices concealed in plastic bags, near to the location of the incident. (Hypothetical scenario based on a real experience.)

What is it?

An improvised explosive device (IED), also known as a roadside bomb, is a homemade bomb constructed and deployed in ways that do not accord with conventional military practice. It may be constructed from conventional military explosives, such as an artillery round, or from a commercial fertiliser composition attached to a detonating mechanism.

Crossfire. To be “caught in crossfire” is an expression that often refers to unintended casualties (bystanders, etc.) who are killed or wounded because they are inadvertently exposed to gunfire of a battle or gunfight, such as in a position to be hit by bullets of either side. In such cases, the individual(s) caught in crossfire are often not the intended targets (collateral damage).

What is covered in this topic

- **Remote Controlled Improvised Explosive Device (RCIED).** Any explosive device which can be ignited remotely either by radio frequencies or mechanically (wire).
- **Body/Person Borne Improvised Explosive Device (BBIED/PBIED).** An explosive device that is strapped to the body of the attacker, usually in a type of specially adapted vest.

1.22

- **Under Vehicle Booby Trap (“Sticky Bomb”).** Any kind of explosive devices that can be attached to the underbody of a vehicle, either magnetically or by using any other suitable adhesive materials.
- **Vehicle Borne Improvised Explosive Device (VBIED).** This is a military term for a car bomb or truck bomb. The target vehicle may be static or mobile.
- **Small Arms Fire (SAF).** Small arms are handguns or other direct fire weapons less than 20 mm in calibre, including heavy machine guns and hand grenades.
- **Indirect Fire (for example by mortars or rockets) (IDF).** The aiming and firing of a weapon without relying on a direct line of sight between the weapon and its target.
- **Complex Attack.** A well organized and well executed attack using direct and indirect fire, including IEDs.

Possible causes and triggering factors

-
- Presence in conflict areas.
 - Indiscriminate use of weapons.
 - Inadequate security.
 - High levels of violent crime.

What to consider

-
- Have the methods and tactics used by different parties to the conflict been analysed and assessed?
 - Is UNHCR perceived as neutral by all parties to the conflict?
 - Is the Security Risk Assessment regularly updated to reflect changes in the security environment that may result in an increase in or changes to types and patterns of incidents?
 - Does the Security Risk Assessment indicate the possibility of attacks on UN, Security Forces or government entities and installations?

- What is the prevalence of suicide bombing?
- Are clan conflicts, or honour or revenge killings, perceived to be acceptable or normal?
- What types of IEDS are being used?
- Have Standard Operating Procedures for security of movements of UN and convoys been established?
- Do hospitals and emergency services have the capacity to respond to incidents?

Immediate action

In case of (threat of) detonation of an IED

- Evacuate the area as quickly as possible, to a distance of at least 200 metres.
- Report the incident to the radio room or emergency services and to law enforcement authorities. Standard Operating Procedures for this type of reporting should be in place.
- If the IED has been detonated, ascertain whether there have been injuries and ensure that adequate medical assistance is provided, if available.
- Alert persons of concern, the host community, the humanitarian community, and UNHCR staff to avoid movement in or to the area. If possible, prevent anyone from entering the area until security forces arrive.
- Render first aid, if possible, and provide care until qualified medical staff can take over.
- Try to discover who was the target of the attack, and what were the motive and *modus operandi* behind it.
- Stay away from the scene of explosions, until it is declared safe by competent authorities. Secondary devices can cause additional casualties.

1.22

If caught in crossfire

- Where possible, get out of the area as soon as possible and alert others to avoid the area.
- Take appropriate cover, depending on the type of threat.
- Report the incident to the radio room adhering to Standard Operating Procedures, to ensure no one else moves into the area.
- Report the incident to the security forces for appropriate action, adhering to Standard Operating Procedures.
- Consider the security implications of rendering assistance to persons involved in the conflict because parties to the conflict may consider that you have taken sides.

Preventive action

- Ensure that persons of concern and staff are properly aware of and trained in procedures to be followed if an IED detonates or is detected.
- Request a Security Risk Assessment (SRA) to determine appropriate mitigation measures. Use pattern analysis in parallel to determine targets, frequency, and possible location(s).
- Use alternative routes or the same routes after they have been checked and cleared by security forces. Understand the security dynamics in UNHCR's operational areas, and check with trusted interlocutors before travelling.
- Endeavour not to establish programme activities close to official military installations or other locations identified as possible targets based on pattern analysis and SRA.
- Engage in mass information and community awareness campaigns and strategies to ensure that all communities understand UNHCR's activities and humanitarian principles.
- Develop mechanisms and Standard Operating Procedures that enable persons of concern to

report any tensions that are building up and that may give rise to hostilities and incidents.

- Ensure that staff and persons of concern are aware of the location of the nearest medical facilities. Ensure they are familiar with the Standard Operating Procedures for alerting security and emergency services following an incident.
- Endeavour to ensure that key persons of concern and staff, particularly in camps and settlements have received first aid training.
- Consider the use of sand bags if IEDs may be detonated in a community centre or in other places where persons of concern may meet or gather. Review security arrangements prior to such meetings and gatherings.
- Where available, collaborate with ICRC on issues within their mandate to increase the security and protection of persons of concern.

1.22

Relevant responses

- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.18 Community Awareness and Mass Information Campaigns

Landmines and Unexploded Ordnance

A mini bus hit an anti-tank mine located at the roadside on the outskirts of the village. Five passengers were killed and seven seriously injured. It was the third serious mine accident in the same village in recent weeks. The area, formerly on the frontline of an earlier conflict, is now quite populated. While some mine clearance had been started, it had not been completed nor had a certificate of clearance and release of cleared land been issued. (Hypothetical scenario based on real experiences.)

What is it?

Landmines and unexploded ordnance (UXO) kill and maim countless people, often because they are not aware of where they are located, what they look like, and what dangers they present.

Landmines are designed to kill or injure people, or to damage or destroy vehicles. When a mine is detonated, injury or death is caused by the explosive charge or by metal fragments. Mines can be detonated in a number of ways and come in a variety of shapes and sizes, which are usually hard to detect. Sometimes they are used to instil fear in communities and may be found in schools and agricultural areas.

Unexploded ordnance are missiles, shells, rockets, cluster munitions, explosive projectiles, or other explosive devices that are usually dispersed during fighting. They may not have fully detonated during combat and a slight movement may cause them to explode.

Awareness campaigns on landmines and UXO, as well as mine risk education, are key to preventing accidents and saving lives among the local population and persons of concern who live in areas of former or continuing conflict.

What is covered in this topic

This topic covers situations in which (i) the presence of mines or UXO has been reported; (ii) UNHCR is facilitating or promoting the return of persons of concern to areas where conflict has taken place; and (iii) UNHCR is establishing or maintains a camp, settlement, transit centre, assembly point or way station in an area where conflict has taken place.

Possible causes and triggering factors

- A mine or UXO has been located.
 - Local people report having heard an explosion.
 - An animal is injured or killed by an explosion.
 - Conflict has occurred in the area (involving heavy fighting, and use of mortars, RPGs, landmines and other weapons).
 - Significant damage has been caused by artillery to houses or infrastructure.
 - Mine clearance has not taken place or has not been completed, after a conflict.
 - Information is lacking about the location of mines and UXO.
 - Mines or UXO may have been moved by earthquakes, erosion, floods, tsunami or other natural hazards.
-

What to consider

- Who are the parties to the conflict and what weapons have they used?
- Have parties to the conflict been known to use mines or heavy artillery?
- What types of mines have been used in the past? Are these mines manufactured locally?
- Has this land been used in the past as a military location or base?
- How can the mines in question be detonated?
- Do historical records suggest that mines were used in this location, that houses were booby-trapped, etc.?

- Do people use land or paths in the area?
- Is the area heavily overgrown, making it possible that mines or UXO could be hidden in the undergrowth?
- What are the usual warning signs that local people use to identify mines, minefields and UXO?
- What is the government's response to mines and UXO? Has the government acceded to the 1997 UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction?
- What demining capacity exists in the country? Is there adequate coverage by humanitarian demining teams?
- What attitude do the authorities have to demining, particularly in sensitive areas?
- What is the level of awareness of mines and UXO among the local community? Has the population been displaced for a long time?
- Are specific groups particularly at risk from mines or UXO? Have they been clearly identified?
- Is there a plan to move or encourage the population to move into areas that are suspected to contain mines or UXO?

1.23

Immediate action

Community awareness and mobilization

Organize a community awareness campaign and mobilize persons of concern and affected host community, conveying the following information:

- Mines and UXO are dangerous.
- Follow strictly the advice you receive, recommending restricted movement to the affected area.
- Pay attention to warnings.
- Familiarize yourself with local mine action signs and markings.

- Seek out current and exact information about the location of landmines and UXO.
- Stay on hard surfaces: avoid ditches, drains, potholes or any location where a mine may be planted or an UXO may have fallen.
- Report incidents or the location of detected mines or UXO to the United Nations Mine Action Service (UNMAS) or the government mine action agency (where available) to obtain assistance.
- Seek demarcation of the area using locally available mechanisms (local marking signs, tape, etc.).

Following an explosion

- Ensure that adequate medical treatment is provided immediately (as available).
- Alert the radio room so that hospital, police and other emergency services can be placed on stand-by, provide escorts, etc.
- Insist that people who are already in the vicinity should remain where they are and wait for assistance and specialist support as required. If persons are in a vehicle near the location of a mine, they should remain in the vehicle pending specialist support, unless the vehicle is on fire.
- If a person is injured and you are in a position to render assistance, do so without putting yourself at risk. (Don't move into mined areas.)
- If a victim is caught in a mined area and is waiting for medical and mine action support to arrive, talk to him or her to provide reassurance and support.

Preventive action

Safe areas

- The FSA or UNDSS Security Officer should conduct a risk assessment to understand the level of threat that mines and UXO present.

- When planning camps and settlements, transit centres, assembly points and way stations, or the return of persons of concern to areas where armed conflict has taken place, contact UNMAS and the government mine action agency to identify safe areas and routes that are deemed clear.
- Identify risk-taking behaviour that may lead to incidents, for example collection of firewood or other activities driven by economic necessity. Warn persons of concern not to practice such activities in areas that are contaminated, and assist them to find alternative safe locations or provide substitute supplies of items they need to meet their basic needs.
- When an assessment has been completed by UNMAS or the government mine agency, obtain a site clearance assessment certificate to confirm the relevant area is safe.
- Outline clearly and without any ambiguity the area that is deemed safe and is clear. Ensure that mine action authorities have identified and demarcated any area close by that has not been cleared and that may still be contaminated. Request demarcation of decontaminated areas; this exercise may need to be undertaken frequently due to weather conditions.
- Establish mine incident reporting mechanisms involving the local population, security personnel, and government counterparts responsible for mines and UXO.

1.23

Medical aid

- Identify medical and rehabilitation services in your area of operation, including those provided by partner agencies, such as ICRC and Handicap International. Know their capacity and have contact details at hand (to facilitate response in case of incident).

- Advocate with relevant authorities and partners to ensure that victims/survivors of mines and UXO and their families have access to the health care, and rehabilitation, reintegration and socio-economic support they need.

Information and community awareness

- Conduct mine risk education activities and encourage community and religious leaders to mobilize support for dissemination of information on mine awareness.
- Develop a sound communication strategy (using a variety of audio and visual communication supports).
- Participatory approaches (mapping, child-to-child techniques, surveys, group and community discussions and focus groups) are especially important where long-term threat of mines and UXO exists.
- Make sure persons of concern have information about who they should contact, and where they can be found, if they discover mines or UXO.
- Ensure that mine-risk education and awareness is included in school curricula and other education and training activities in mine-affected areas.
- Establish mechanisms to conduct mine risk education training before people return to their place of origin, so they are fully aware of the dangers, and the actions to take if an accident occurs or they detect a mine or UXO.

Advocacy

- Understand the government mine action plan and its strategy for returnees.
- Call for deployment of humanitarian demining teams, guided by International Mine Action Standards (IMAS).

- Talk to local residents, as well as government counterparts, local humanitarian demining teams, military, and non-State actors if applicable.
- Ensure the civilian character of persons of concern is respected and that persons of concern are not forced to hide mines or UXO, or remove them or pass them on to factions involved in conflict.

Relevant responses

- 2.2 Site Selection and Planning
- 2.3 Access to Primary Health Care and Counselling
- 2.4 Access to Mental Health and Psychosocial Support Programmes
- 2.5 Enhance the Capacity of National Institutions and NGOs
- 2.10 Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes
- 2.11 Training on Human Rights, Refugee and International Humanitarian Law
- 2.12 Screening Points and Reception Centres
- 2.15 Resettlement
- 2.18 Community Awareness and Mass Information Campaigns
- 2.22 Internal Relocation and Safe Houses

1.23

Further references

- CARE International, *Landmine and UXO Safety Handbook*, UN, 2000. At: <http://www.eisf.eu/resources/library/CARElandmineUXOHandbook.pdf>.
- E-Mine, Electronic Mine Information Network. At: <http://www.mineaction.org>.
- Geneva International Centre for Humanitarian Demining. At: <http://www.gichd.org>.
- GICHD, *A Guide to the International Mine Action Standards*, 2007.
- International Committee of the Red Cross. At: <http://www.icrc.org>.

Part Two

Responses

2.1

Access to Essential Services and Basic Needs

Definition What is it?

After arriving in a new country, often with few or no possessions, persons of concern need help to secure the basic necessities of life. A safe and secure environment in the host country is an essential prerequisite for ensuring access and delivery of essential services and basic needs, namely adequate accommodation, food and non-food items, health care, education, safe water, sanitation. This section focuses on educational opportunities and access to food, water and sanitation. (Access to health services is addressed separately.)

Purpose Why is it useful?

Human rights principles recognize that all people are entitled to certain basic services, because they are essential to sustaining life and to the fulfilment of human potential. Services should be of adequate quality. UNHCR's experience is that, when the provision of essential services is inadequate or unequally accessible, tensions will arise between persons of concern and host communities and between persons of concern themselves. Abuses of power are also likely to occur if the distribution of essential services is not properly supervised and managed. When meeting basic needs, in addition, it is vital to protect the entitlement of women, and marginalized groups at risk. The delivery of essential services and basic needs has an empowering and a preventive function, contributing to the reduction of the incidence of many security threats.

2.1

Description of the response

Guiding principles

- UNHCR's role is to support the national authorities in their efforts to ensure the right of all persons of concern to essential services and basic needs during all phases of displacement, from the outset of a crisis or emergency, in urban and protracted settings, and during return and reintegration.
- All persons of concern, regardless of age, gender, ethnic group, background and profile, should be protected and should receive basic services that meet agreed humanitarian standards and are consistent with those available to the surrounding communities.
- Before formulating a strategy, in consultation with other partners and agencies (such as WFP and UNICEF), set objectives and activities for the provision of material assistance and basic services, and assess the needs of persons of concern using a community-based participatory approach. Create a multifunctional team to speak with, listen to and take into account the needs and views of persons of concern taking account of age, gender, ethnic group, background and profile.
- Where tension occurs between persons of concern and a host community over access to services, multifunctional teams should reflect the views of that host community in their consultation process.
- Ensure that women are equitably represented and actively participate in the distribution of basic assistance and the delivery of basic services.
- Consult the Field Safety Adviser, and other relevant specialists, about the location, physical site layout, and security arrangements of all distribution sites.

Education

With governments and communities:

- Liaise with government education authorities to ensure that persons of concern have access to early childhood, primary, secondary and tertiary education, adult and non-formal education and skills training. Coordinate the response of education partners, and monitor education programmes.
- Follow local regulations on protecting the environment to avoid tensions when constructing or re-habilitating schools. Support peacebuilding, coexistence and conflict resolution programmes that contribute to a culture of peace and respect.
- Encourage the community (children, youth and adults) to be involved in education. Work with the community to establish child-friendly spaces to protect and promote the well-being of children and youth.
- Advocate to abolish school fees to reduce tensions between different groups. Work with the government, NGOs and other relevant actors including parent teacher associations to combat corruption in education and establish systems to reach out-of-school children and youth, to increase the participation of all in education.

2.1

Schools in camps and collective settlements

- Support efforts to strengthen critical survival skills and coping mechanisms (for example, on landmines and UXO, SGBV, HIV/AIDS, access to health care and nutrition, and what to do in disaster situations) both in the formal curriculum and in non-formal education activities.
- Support the provision of school-feeding programmes and work closely with the health sector on malnutrition. Employ female teachers

and make sanitary materials available in such schools to encourage the attendance of girls.

- Establish referral systems and Codes of Conduct that enable teachers to respond to violence and harassment in and around schools, including SGBV. Teachers and education personnel should be trained on how to provide support, and should be familiar with referral options that are available for children and youth in cases of violence or harassment.
- Ensure the physical safety of the learning environment (including school fences, appropriate lighting, separate latrines, demined surroundings). Learning environments should be located in secure areas far from security threats (military checkpoints, lakes, etc.). Make sure the mainstream learning environment is adapted to meet the needs of learners with disabilities and train teachers in how to work with children with disabilities.
- The size of the classes should be kept small (<40) to promote a safe learning environment. Learning spaces must be within walking distance for young children. Security of children and of older girls walking to and from school must be considered. When necessary, mobilize the community to escort students to school.

Access to food

- Communicate with persons of concern using an Age, Gender and Diversity approach. Set up a food distribution committee to represent refugees in discussions of the distribution system. Provide local interpreters to inform persons of concern about distribution. Allow persons of concern to see how commodities are measured and distributed. Train distribution staff on effective management of the distribution system and inform them about the consequences of any reported abuse of power. Ensure that information is not monopolized

and manipulated by particular groups in the community of persons of concern.

- When selecting distribution points, consider the physical security of women and children. Consult the Field Safety Adviser on this matter. Make sure that persons of concern who are most at risk have easy and safe access to relief items. (For example, consider parallel distribution lines, distribution on specific days or at specific locations, and community-based home delivery systems.)
- Position sufficient personnel (for example, members of Community Watch Teams) at strategic points to ensure that people proceed in an orderly manner through the distribution process. Locate distribution points away from crowded areas such as markets and hospitals. Clearly mark the boundaries of the site, and ensure that beneficiaries respect them. Communicate early and clearly with local officials, persons of concern, leaders and the food committee, particularly when shortages are expected. When delays or difficulties occur, communicate with persons of concern in a timely manner to avoid tensions.

2.1

Water and sanitation

- Train women as well as men to maintain water and sanitation facilities. Ensure that water distribution points and latrines are located at points that are appropriate for the community's needs, taking account of those with disabilities and the security of women, girls and others exposed to risk. (They should be located centrally in safe, well-lit areas.)
- Organize a community awareness campaign to inform persons of concern about health risks and the importance of hygiene. Provide practical guidance on what steps they can take to protect themselves and improve hygiene.

- To avoid tension, ensure that water and sanitation services are available to host communities as well as persons of concern. With the same objective, consider environmental impacts when designating water distribution points.
- Make arrangements for monitoring water distribution points and sanitation and hygiene facilities, to prevent abuses of power and corruption and lower the risk of security incidents.

Further considerations

- The staff of UNHCR and its implementing partners should use an Age, Gender and Diversity approach to ensure that the persons of concern they select to advise them on the design and delivery of basic needs and essential services, as leaders or participants, are fully representative of the community and sub-groups within it.
- See also the following Responses: *Access to Mental Health and Psychosocial Support Programmes*; *Access to Primary Health Care and Counselling*; *Livelihoods*.

Further references

- UNHCR, *Safe Schools and Learning Environment. How to Prevent and Respond to Violence in Refugee Schools. A Guide*, June 2007. At: <http://www.unhcr.org/refworld/docid/469200e82.html>.
- UNHCR, *UNHCR Education: Field Guidelines*, February 2003. At: <http://www.unhcr.org/refworld/docid/3f1d38124.html>.
- UNHCR/WFP, *UNHCR/WFP Joint Assessment Mission (JAM) Guidelines*, Second Edition, 2008. At: <http://www.unhcr.org/45f81d2f2.html>.

- UNHCR, *Commodity Distribution. Distribution: the hand over of commodities to the intended beneficiaries, fairly, according to specified rations, selection criteria and priorities*, 1997. At: <http://www.unhcr.org/3c4d44554.pdf>.
- INEE, *Minimum Standards for Education: Preparedness, Response, Recovery*, 2010. At: http://www.ineesite.org/uploads/documents/store/Minimum_Standards_2010_eng.pdf.
- Sphere Project, *Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response*, 2004, ISBN 92-9139-097-6. At: <http://www.unhcr.org/refworld/docid/3d64ad7b1.html>.
- WFP, *Emergency Food Security Assessment (EFSA) Handbook*, 2009. At: <http://www.wfp.org/content/emergency-food-security-assessment-handbook>.

Definition
What is it?

This topic discusses how to choose the best possible location and layout of emergency or temporary collective shelter for persons who have been displaced and have no other accommodation. The areas chosen need to be safe and fit, or potentially fit, for the construction of adequate shelter, water, sanitation, and other relevant facilities, making it possible to provide physical security and essential services to persons of concern.

Purpose
Why is it useful?

The layout, infrastructure and provision of shelter within a camp, settlement or collective centre have a direct impact on the safety and welfare of persons of concern, not least by contributing to the prevention of SGBV and other forms of abuse and exploitation. Well-selected and soundly planned camps or settlements or collective centres, which have adequate shelter and sound infrastructure, save lives and reduce the hardships faced by persons of concern. In addition, good site planning facilitates the equitable and efficient delivery of services. Site selection and planning should be undertaken carefully, in collaboration with government authorities and persons of concern, using an Age, Gender and Diversity approach.

Description of the response
Decision-making and process

- Site selection, planning and shelter provision require an integrated approach to decision-making. Consult and involve specialists, in addition to persons of concern, to ensure that the shelter response meets overall needs and that resources are assessed.

- To avoid long-term protection problems (such as conflicts with the host community) and ensure the environment is safe for persons of concern and appropriate for delivery of humanitarian assistance, initial decisions on the location of a camp, settlement or collective centre should be taken in conjunction with the Field Safety Adviser, the host government, local authorities and communities, and persons of concern.
- Final decisions on location and site layout should assess the proposals under each of the criteria set by the assessment team in consultation with UNHCR Offices.
- It should be noted that UNHCR does not buy or rent land for settlements to be used by persons of concern. HQ should be consulted if problems of land use or land rights arise.

Guiding principles

- Ideally, sites should be selected and planned before persons of concern arrive because their selection and planning, and the quality of the shelter they offer, directly affect the provision of other assistance and services. Site selection in advance is not always feasible, particularly when a mass influx must be managed.
- To ensure their security and protection, persons of concern should be settled at a reasonable distance from international borders or potentially sensitive areas, such as military installations.
- Seek the advice from the outset of the Site Planner, Field Safety Adviser, Protection Officer, and from persons of concern regarding: the overall security of the site location and the site's physical layout (fencing, lighting, water points, schools, etc.).
- Consider the deployment of police and/or security forces, and where to locate them

physically, in or outside the camp, settlement or collective centre as appropriate to your operational context.

- The social and cultural background of persons of concern should also influence site selection, physical planning and the design of shelter. Since in many instances options will be limited and land that meets even minimum standards may be scarce, it is prudent to put on record the shortcomings of the site chosen and the rationale for its selection.
- After identifying a possible site, an assessment should review land ownership and land use restrictions for persons of concern that affect the site. Assessment is necessary to avoid possible disputes and to clarify whether persons of concern will be entitled to collect wood or timber for fuel and shelter, graze their animals, or engage in agricultural or other subsistence activities. Access to these rights may also depend on broader government policies, which may limit the entitlements of persons of concern.
- Map access routes (paths and roads) and their use, and plots of farmed land that lie within camps, settlements and collective centres.
- To the extent feasible, consult with women, children, persons with disabilities and older persons to ascertain what security threats need to be addressed. When planning accommodation, overcrowding and lack of privacy should be avoided as far as practicable, because this may put some persons of concern at increased risk.
- It may be necessary to establish a transit house for newly arrived women and children, persons with disabilities, and older persons who may be alone or part of a female-headed household, to reduce the initial risk of exploitation following their arrival.

- A contingency plan should be prepared. Taken together with a technical on-site evaluation, maps, surveys and other supporting information, this too should inform on site selection. Changes in the scale, nature, timing or direction of movement of persons of concern frequently make it necessary to revise contingency plans.
- One of the imperatives when selecting a site is the availability of water all year round. This should be confirmed at an early stage in the selection process.
- Site planning should adopt a “bottom-up” approach, starting from the specific needs of individual families. It should take account of community wishes and, to ensure this can be done, a representative cross section of persons of concern should be actively involved in planning.

Sequential steps

- In the case of planned camps, assess the suitability of the proposed site, ensuring that it meets the basic criteria and requirements. It is important that suitable shelter is provided. Each community should have access to its own services (water-points, latrines, showers, school areas accessible to all members of the community, etc.).
- The most immediate needs for emergency shelter should be assessed simultaneously and materials not available locally should be ordered. In some environments, seasonal variations in climate can have a considerable impact on the type and cost of shelter and infrastructure.
- Measures to improve the site planning and layout of spontaneous settlements should be implemented as soon as practicable.

- A site should have access and internal roads and paths connecting the various areas and facilities. Access roads should be above flood level and adequately drained.
- Latrines, water collection points, waste disposal sites and other areas used by women, children, older persons and persons with disabilities should be well lit and in the centre of the camp or settlement rather than in isolated areas. (The recommended distance between any shelter and a water distribution point, is no more than 100 metres, for example; water points should never be more than a couple of minutes walk.)

Further considerations

- Spontaneous camps should be avoided whenever possible.
- High-density camps with excessively large populations are not desirable, because they create inherent security and health risks and often put an intolerable strain on local services. On occasion, nevertheless, large camps may be the only option, because land is scarce or the host government is unwilling to make additional facilities available.

2.2

Further references

- UNHCR, *Site selection, planning and shelter, Handbook for Emergencies*, 3rd Edition, UNHCR 2007. At: <http://www.unhcr.org/refworld/docid/46a9e29a2.html>.

2.3

Access to Primary Health Care and Counselling

Definition What is it?

Making sure that persons of concern have access to primary health care (PHC) is central to UNHCR's public health strategy. Depending on context, funds and logistics, varying emphasis may be given to secondary and tertiary health care. Emergency medical interventions (even at secondary or tertiary level) should be ensured by the host country government and/or by UNHCR at all times.

Priority public health care services address promotion, prevention, care, support and treatment. Key components include: general public health, referral care, HIV, reproductive health, mental health, and psychosocial support. Counselling services focus especially on issues such as HIV/AIDS, and sexual and reproductive health (SRH), which are a primary human rights concern for persons of concern in addition to being an important public issue. Primary health care may be provided by a nurse, physician or other type of health worker.

Persons of concern to UNHCR are entitled to enjoy the highest attainable standards of primary health care, to the same standard as nationals of the country of asylum.

Purpose Why is it useful?

Appropriately delivered primary health care services save lives and enhance the quality of life of persons of concern. Medical services treat people in urgent need (such as victims and survivors of physical attacks, criminal acts, banditry, landmines, UXO, IEDs, domestic violence, sexual assault). Counselling services on HIV/AIDS and SRH help prevent the spread of sexually transmitted diseases and reduce the

isolation of affected persons. The availability of information on health and health advice enables persons of concern to make informed choices about their health and well-being.

Description of the response

Decision-making and process

- Ensure that the health services to which refugees have access are similar in quality to those provided to nationals and that their cost is similar or lower. In many operations, including refugee camps, services are provided free of charge.
- Examine and decide what financing arrangements are required to support persons of concern who must pay user fees for primary, emergency or specialized health care.
- UNHCR should ensure persons of concern have access to comprehensive HIV and SRH services. UNHCR should advocate in support of national HIV prevention and treatment programmes.
- Ensure that persons of concern who have mental, neurological or substance use disorders can access first line mental health care, including referral for psychosocial support.

Guiding principles

- Ensure that the right of access to health care is protected for all, irrespective of age, gender, ethnicity and other personal attributes.
- Put in place Standard Operating Procedures for referral care (obstetric, medical or surgical). SOPs should cover referrals made in areas subject to a night curfew.
- UNHCR should work with its partners to improve capacity: for example, by rehabilitating health structures, supporting the running costs of health programmes, and providing training

to clinics or hospitals in areas serving many persons of concern.

- Patient confidentiality, privacy and dignity should be respected at all times, by medical and UNHCR staff and by UNHCR systems (for example, databases such as proGres).
- Provide persons of concern with access to high quality and client-friendly SRH and HIV services that treat sexually transmitted infections; provide clinical management of rape; offer family planning; and supply HIV counselling and testing and specialized HIV prevention and care services.
- Establish partnerships with governments, other UN agencies, international agencies, and NGOs to increase the capacity and the quality of public health services for persons of concern.
- Ensure that standard indicators are used and that key information is available, using the UNHCR Health Information System or (where it is not applicable) the national health information system.

Community access to health services

2.3

- Establish good communication with persons of concern on health provision and health issues, with the objective of improving access to and use of primary health care services (including those dealing with reproductive health, HIV, and mental health), as well as entitlement to secondary and tertiary care.
- Establish a mechanism for identifying refugees at risk, and an effective community outreach programme.
- Refugee and persons of concern often have particular health needs and facilities may need to be adapted to meet them. (For example, medical staff may have to work in a range of languages, and with various cultures, and handle specific vulnerabilities and protection

issues.) Services should take account of the community's expectations.

- Sometimes, refugees and other persons of concern receive a better quality of health service than surrounding communities. Inequity can create tensions and affect the security of persons of concern, especially during protracted situations. Measures should be taken to minimize imbalances. For example, members of the host community may be invited to use the health services and facilities offered to persons of concern.

Access to counselling

- Through community health workers and community leaders, and by means of appropriate information and education materials, ensure that persons of concern are aware of sexual and reproductive health services that are available to them (including maternal care, family planning, sexually transmitted infections).
- Ensure that persons of concern can discuss their needs in a culturally appropriate environment. Provide accurate information to adolescents on the risks of early sexual activity (teenage pregnancy, sexually transmitted infections, HIV transmission and prevention, etc.) and the impact they can have on personal development and educational opportunity.
- Promote public health campaigns about SRH and related rights and its linkages with HIV/AIDS, targeting women, girls, men and boys.
- Make sure that privacy and confidentiality of health information is protected. All persons should be able to seek health care without fear that information about their health, including HIV status, might be disclosed or revealed.

Example

In 2008, it became necessary to provide more specialized medical services to meet the needs of persons of concern in a camp in Ethiopia. Three local hospitals agreed that specialized units would work in the camp for a period of 1-2 weeks. Doctors provided specialized care for selected patients; provided on-the-job training for health staff; and helped to identify and refer patients who needed hospital care.

In the context of this programme, the camp acquired autoclaves, operating room lamps, x-ray supplies, hospital and delivery beds. Local media reported the initiative and the donation of some equipment to hospitals involved, which improved acceptance of the programme among the host community.

Further considerations

- Public health programmes should aim to be sustainable and to consider ultimately durable solutions. Issues to consider include the appropriateness of technology, capacity building, local employment, and the use of local skills and knowledge.
- See also the following Responses: *Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats*; *Access to Mental Health and Psychosocial Support Programmes*; and *Access to Essential Services and Basic Needs*.

Further references

- UNHCR, *Ensuring Access to Health Care: Operational Guidance on Refugee Protection and Solutions in Urban Areas*, 2011. At: <http://www.unhcr.org/refworld/docid/4e27d8622.html>.
- UNHCR, *Public Health and HIV Section's Guiding Principles and Strategic Plans for HIV and AIDS, Malaria Control, Nutrition and Food Security, Reproductive Health, Water and*

Sanitation, 2008-2012, 2008. At: <http://www.unhcr.org/4b224d5f9.pdf>.

- UNHCR, *UNHCR's Principles and Guidance for Referral Health Care for Refugees and Other Persons of Concern*, 2009. At: <http://www.unhcr.org/refworld/pdfid/4c1726e82.pdf>.
- Inter-Agency Standing Committee, *Guidelines for HIV/AIDS Interventions in Emergency Settings*, 17 November 2003. At: <http://www.unhcr.org/refworld/docid/3d94756a2.html>.
- Inter-Agency Standing Committee, *IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings*, 2009, ISBN 978-1-4243-3444-5. At: <http://www.unhcr.org/refworld/docid/4e97ceca2.html>.
- Inter-Agency, *Inter-agency Field Manual on Reproductive Health in Humanitarian Settings*, 2010. At: <http://www.unhcr.org/refworld/docid/4d08d5422.html>.
- UNAIDS, *Practical Guidelines for Intensifying HIV Prevention*, 2007. At: http://data.unaids.org/pub/Manual/2007/20070306_prevention_guidelines_towards_universal_access_en.pdf.

2.4

Access to Mental Health and Psychosocial Support Programmes

Definition What is it?

The incidence of mental health and psychosocial stress is related to a broad range of social problems, including poverty, membership of a group that is marginalized or suffers other forms of discrimination, domestic violence, family separation, mental disorder, drug and alcohol abuse, depression and anxiety disorders, among others.

Purpose Why is it useful?

Mental health and psychosocial programmes make it possible to address the psychological and social distress that persons of concern face, exacerbated or caused by the violence, threats of violence, dislocation or emergencies they have experienced. Together with group support programmes within the community, these programmes enable persons of concern to heal wounds, recover, rebuild their lives, and reintegrate into society.

2.4

Description of the response

Guiding principles

- Establish sound programmes that emphasize protection, community services and public health. Integrate these into wider programmes as much as possible.
- Ensure that UNHCR country plans include a mental health and psychosocial dimension.
- Encourage all actors to include persons of concern and their communities, and host communities to the extent possible in discussion and participatory assessment of their needs, vulnerabilities and capacities.

- Ensure that a referral system is in place, providing access for persons of concern to family tracing services (through ICRC), and social and legal aid services.
- Pay specific attention to victims of torture and violence and ensure they have access to a comprehensive support programme. Ensure that families of victims and survivors are able to benefit from support, if they need it. Offer similar support to families of perpetrators, if feasible within the operational context.
- It is preferable to address mental illness/disorder within existing public health programmes, as far as this is feasible in the context.

Resources

- Advocate for basic services that are safe, socially appropriate, and protect dignity.
- Advocate for the appointment of specialized mental health staff, such as psychiatric nurses and psychologists. When necessary focus on non-specialized support, for example basic mental health care by primary health care workers, counselling by community workers, or psychological first aid.
- Free legal aid should be made available. Legal support and follow-up should be arranged on a regular basis.

Training of health personnel

- Promote and organize orientation and training of aid workers in mental health and psychosocial support. Where they are available use specialized mental health staff as facilitators.

The community

- Inform persons of concern how they can access mental health and psychosocial support programmes (how and where survivors

and victims can seek help, respect for confidentiality, etc.).

- Pay particular attention to the needs of persons of concern who are suffering from post-traumatic stress disorder, stress due to poor living conditions, feelings of isolation, depression, anxiety and uncertainty about their future.
- Promote forms of family and community support, such as parenting programmes, communal healing practices, or activities that promote non-violent handling of conflict (workshops, drama, role plays, etc.).
- Involve men, women, boys and girls from the community in activities to prevent substance abuse (such as self-help groups), and inform them of its effects.
- Build on local support systems and structures. In discussion with key actors and community groups, identify and promote mechanisms that have helped community members to cope with tragedy, violence or loss (rituals, festivals, women's discussion groups, etc.).

Example (hypothetical example based on real experiences)

In country A, over 30,000 registered refugees in 2009 were either survivors of torture or survivors of SGBV. 17 per cent suffered from severe mental health problems. To complement community-based efforts to tackle this situation, a Support Group of psychologists and an Outreach Counselling Centre provided counselling, psychosocial and recreational activities, and skills training. As a result, more than 1,600 families received psychosocial and mental support, and some 800 were referred for specialized mental health treatment.

2.4

Further considerations

- Host governments should be encouraged to enforce legislation that provides persons of concern similar access to free mental health and psychological support as those of nationals. When appropriate, governments should be encouraged, in cooperation with relevant international agencies, to implement effective care for persons of concern who require mental health and psychological support.
- When promoting activities within communities, designed to address mental health problems, bear in mind that the process of bringing people together and creating friendships, coping mechanisms, and forms of social support is important.
- Support local or traditional practices only if they are consistent with human rights standards. Accept existing mixed practices (combining local and “Western” practices) where it is appropriate.
- See also the following Responses: *Access to Primary Health Care and Counselling*; *Access to Essential Services and Basic Needs*, and *Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats*.

Further references

- Inter-Agency Standing Committee, *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, September 2005. At: <http://www.unhcr.org/refworld/docid/439474c74.html>.
- Inter-Agency Standing Committee, *IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings*, 2009, ISBN 978-1-4243-3444-5. At: <http://www.unhcr.org/refworld/docid/4e97ceca2.html>.

- UN World Health Organization (WHO), *Clinical Management of Survivors of Rape. A Guide to the Development of Protocols for Use in Refugee and Internally Displaced Person Situations*, January 2005, WHO/RHR/02.08. At: <http://www.unhcr.org/refworld/docid/403b79a07.html>.

2.5

Enhance the Capacity of National Institutions and NGOs

Definition What is it?

This topic discusses the role of advocacy, training, technical expertise and material support that: increase knowledge of human rights, refugee and humanitarian law and related best practices with regard to persons of concern; and enhance the capacity of national administrative, judicial, penal and human rights institutions, and international and national NGOs, to protect persons of concern.

Purpose Why is it useful?

Competent and functioning institutions that uphold the law, and that respond to and punish crime, violence and abuse, play a vital role in providing physical security and protection to persons of concern. Such institutions are complemented by NGOs, that often have a much wider exposure to different capacity building initiatives and act as human rights defenders vis-à-vis the national institutions. Strong institutions, and NGOs, create conditions in which it is possible to manage the wide range of acute or complex security risks that persons of concern face, including unlawful killings, plundering by armed groups and gangs, abductions and hostage taking, sexual and physical assault, verbal harassment, and spread of rumours.

2.5

Description of the response

Monitoring and analysis

Analyse the capacity of national administrative, judicial and human rights institutions and NGOs. Giving consideration to situational analyses prepared by these organizations, seek answers to the following questions:

Laws and institutions

- Are there gaps and obstacles in the national laws that regulate the operation of national institutions and NGOs which prevent them from extending effective protection to persons of concern?
- What is the quality of decisions of national institutions with respect to persons of concern (for example, in status determination procedures, criminal cases, or on protection of rights)? Do they comply with national law and with international and regional standards? Do they (potentially or actually) violate the rights of persons of concern, including their physical security?
- What forms of training are provided to staff of national institutions and NGOs?
- What referral mechanisms are available to persons of concern (between institutions and between institutions and NGOs)? In general, is cooperation between institutions and NGOs adequate to protect the physical security and rights of persons of concern?
- Are judicial, human rights and penal institutions independent from the executive power (i.e. government)?
- Do conditions allow NGOs and CSOs to work and move freely, without hindrance?
- Are the national human rights institutions (where they exist) empowered by law to investigate at their own initiative situations and cases of reported human rights violations that result from security threats? Do they report publicly on their activities?

Material support

- Do national institutions and NGOs have sufficient resources, including the required number of qualified staff? If not, can they address this problem themselves?

- Are their premises and equipment (IT, transport, office equipment, other technical equipment) adequate to respond to identified security threats?
- Are national reform strategies currently addressing the needs of national institutions and NGOs? Are international donors supporting the implementation of these strategies, by providing technical or financial assistance?
- Are alternative sources of funding available to them (through other donors or regional or international projects and initiatives)? Do they have the capacity to apply independently for such funding?
- Do NGOs benefit from any sustainable State funding?

Action

Devise activities to remove and/or mitigate problems identified in your analysis. Depending on the context, you may need to:

Laws and institutions

- Support legal reform processes by means of advocacy and legal advice.
- Comment on national legislation, *inter alia* to expand the competence or level of independence of national institutions to promote the physical security of persons of concern.
- Provide technical expertise (independently or jointly with other relevant international and regional actors) on human rights, refugee and humanitarian law. Do not limit your interventions to formal training events (such as round tables and workshops). Working meetings, on-the-job training, and twinning projects (inviting experts on study visits) can bring tangible results.
- Intervene formally with relevant institutions, on individual cases and general security

gaps. In most cases, take formal démarches only when your mediation efforts have failed. UNHCR interventions before national courts are limited to the interpretation of refugee law and protection guidelines and take the form of what are called *amicus curiae* briefs ('letters of friends of the court'). Any proposals for such interventions on individual cases should be cleared by the UNHCR Bureau responsible. Once approved, an *amicus curiae* brief should be prepared and cleared by the Bureau and the Division of International Protection (DIP).

- Ensure that strategies and initiatives for reform (of the judicial system or administration, etc.) include relevant safeguards to protect the physical security of persons of concern. Remain in regular contact with relevant national and international actors who are providing technical and material support to such reform processes.

Material support

- Where feasible and appropriate, conclude sub-project agreements that enable national institutions and NGOs to increase the number of qualified staff and improve premises and equipment, to strengthen their capacity to protect persons of concern against security threats.
- Assist national institutions and NGOs in their efforts to raise funding from international and regional projects, by providing training and advice on available projects and drafting of project proposals.

Example (hypothetical example based on real experiences)

In 2007, the number of asylum-seekers in the host country rose by 200 per cent. Just over 600 individuals were recognized as refugees. It was believed that a much larger number of individuals (principally from the neighbouring country of origin) had not approached the government to be registered officially and were living in a precarious situation, even though they had serious protection concerns. Analysis of the main protection gaps revealed a rather high incidence of arbitrary arrest, detention, and *refoulement*, and many asylum-seekers and refugees faced discriminatory treatment.

The following actions were taken:

- Immigration authorities and auxiliary migration officers were trained to ensure that asylum seekers were granted access to the territory.
- Registration officers were trained and proGres software was introduced.
- New individual personal documentation was provided to all asylum-seekers.
- Financial support and technical expertise were made available to establish and run a Technical Secretariat of the national asylum authorities.

As a result:

- Ninety-five government officers were trained on refugee issues.
- The advanced proGres registration system was implemented by the authorities.
- Registration officers were trained.
- Asylum-seekers were issued Temporary Identification Certificates.

Further considerations

- States are primarily responsible for their national legal and institutional frameworks. Generally speaking, States tend not to accept provisions in international instruments, customary or soft law that prescribe in detail how a national legal, judicial, human rights or administrative framework should be organized.
- Strive to ensure that national frameworks possess the following attributes: a government focal point; a national coordinating committee or similar body; independent institutions responsible for protecting the rights of persons of concern; non-governmental organizations; national plans of action or other policy strategies that include security safeguards for persons of concern.
- Seek to include a wide range of institutions, particularly NGOs, in all your advocacy and training initiatives.

Further references

- UNHCR, *Agenda for Protection*, October 2003, Third Edition. At: <http://www.unhcr.org/refworld/docid/4714a1bf2.html>.
- UNHCR, *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, 26 July 2002. At: <http://www.unhcr.org/refworld/docid/3dede7c21.html>.
- UNHCR, *FOM/052/1997 UNHCR Co-operation with National Human Rights Institutions*, 25 September 1997, FOM/052/1997 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4709f2e82.html>.
- UNHCR, *Global Consultations on International Protection: Strengthening the Capacity of Countries of First Asylum in the Region to Offer Adequate Protection. Key Conclusions and Recommendations* (Regional Meeting in Cairo, 3-5 July 2001), 20 September 2001, EC/

GC/01/21. At: <http://www.unhcr.org/refworld/docid/3bf92f564.html>.

- UNHCR, *Global Consultations on International Protection/Third Track: Strengthening Protection Capacities in Host Countries*, 19 April 2002, EC/GC/01/19/. At: <http://www.unhcr.org/refworld/docid/3bfa84af2.html>.

2.6

Access to Justice

Definition What is it?

Activities that enable all persons of concern to exercise their right to an effective legal remedy in response to security threats that violate their fundamental human rights. Persons of concern are entitled to recognition before the law and to equal protection by the law. They and nationals have equal status before courts and tribunals. There should be no discrimination between nationals and persons of concern in the application of these rights.

Purpose Why is it useful?

Systems of justice (both formal and informal) imply a normative framework (applicable laws) and an institutional framework (courts and tribunals or similar bodies) to apply or operationalize them. This topic provides guidance on practical steps that can be taken to ensure that persons of concern can have unimpeded access to both frameworks if their security is or has been threatened.

Access to justice is a vital element in efforts to ensure, first, that persons of concern are able to exercise their rights and, second, that accountability exists for crimes, violence and abuses that occur in the jurisdiction of a country. It helps prevent, avoid or lawfully sanction any violations of human rights. These rights protected include but are not limited to the rights to life, liberty and security of the person. They allow victims/survivors to obtain legal redress for a wide range of crimes, including kidnapping, abduction, random attacks by ‘bandits’, unlawful killings, participation in or effects of gang activities, individual physical attacks, various forms of physical and sexual violence, and abuse of power.

2.6

Description of the response

The formal justice system

Analyse gaps in access to the justice system that affect persons of concern. Seek answers to the following questions:

- Do persons of concern have equal access to formal justice on a par with nationals of the country and are they entitled on the same terms to legal assistance? Do all persons of concern (for example, women, children, older persons, members of a particular ethnic, religious or social groups, LGBTI individuals, etc.) have the same right of access to justice?
- Do persons of concern benefit from: free access to courts; legal aid (free if possible) and access to a lawyer; a hearing before an impartial and trained decision-maker (judge or other qualified official); judicial review of their case; an explanation of the offence or crime, the decision made with regard to it and relevant procedures and interpretation in general in a language they understand?

Action. Devise activities to remove or mitigate the causes of the problems your analysis has identified. Allowing for the context, you may need to:

- Counsel persons of concern confidentially on where and how they may seek legal remedy. UNHCR and its implementing partners, particularly those providing free legal aid, should offer this service.
- Ensure, to the extent possible, that legal aid is adequate, by training free legal aid providers and following cases up consistently.
- Advocate with the relevant national authorities to investigate thoroughly the facts of all incidents and ensure that due process is observed.

- Advocate with the authorities to grant access to justice to persons of concern on the same terms as nationals.
- Where national law provides equal access to justice but it is not applied effectively, advocate for its full and non-discriminatory implementation.
- Advocate that the rule of law and access to justice are duly considered in peace negotiations and agreements, in integration and development plans, and in other strategic documents.
- Provide material support to victims/survivors and witnesses among persons of concern, and to their families, to cover required legal fees, translation, or travel to and from the court, for example.
- Deploy free legal aid providers at key locations such as camps, collective centres, social welfare centres, screening points, medical institutions, reception centres for persons of concern and irregular migrants.
- Consider the option of mobile courts, for which judges, prosecutors and associates travel to camps or other distant locations to hear cases.
- Intervene with relevant administrative and judicial bodies, if it is necessary, to ensure that cases involving persons of concern are investigated, prosecuted and resolved.
- Monitor court cases and conditions of detention (directly or, where possible, through ICRC). Focus particularly on violations of human rights and humanitarian law (such as torture or inhuman or degrading treatment or punishment), and any acts that amount under international criminal law to war crimes, crimes against humanity, or genocide.

- If free legal aid options are not available, it may be necessary to sign a sub-project agreement with an implementing partner (such as a legal NGO) for this purpose.
- Where they exist, legal clinics may be useful. These operate out of university legal departments.

Informal justice systems

Analyse alternative dispute-resolution mechanisms that exist in the community of persons of concern. Seek answers to the following questions:

- Do they systematically refer cases that may involve serious crimes to the national justice system?
- Who are the decision-makers? Are they qualified and trained? What powers do they have?
- Do the decisions and the procedures of alternative mechanisms respect human rights norms?
- Do alternative mechanisms address the specific needs of all groups appropriately and without discriminatory effect, including, women, single women, children, older persons, persons with mental and physical disabilities, and other minority groups of all kinds?
- Does the community support the operation and decisions of these alternative justice systems?

Action. Devise activities to remove or mitigate the causes of the problems your analysis has identified. Depending on the context, you may need to:

- Systematically follow up all cases adjudicated on via this mechanism. Keep detailed written records of such cases and their decisions.

- Bring together relevant government officials (from the Ministry of Interior and Ministry of Justice, for example) with representatives of the alternative system and persons of concern, to agree which (minor) crimes the informal system can resolve and which major crimes must be referred to the formal justice system via a well-defined referral mechanism.
- Consider the use of mobile courts to resolve cases that occur in camps. Sign a Memorandum of Understanding that sets out the procedures and authority of such courts.
- Train refugee elders, traditional judges, and refugee leaders who arbitrate disputes, or assign guilt and impose punishments, in international human rights and refugee law, the rights of women and children, and applicable national laws. Training should provide information on national law and procedures, the national judicial system, administrative, law enforcement and human rights institutions, agencies and organizations.
- Seek to ensure that at least half the “adjudicators” in alternative dispute resolution mechanisms are women, and that adjudicators are representative of all the major ethnic groups or tribes in the community of persons of concern.
- Develop by-laws and codes of conduct for camps or collective settlements together with the camp management, drawing on the advice of persons of concern.
- Codify to the extent possible the customary law that is applied through alternative dispute-resolution mechanisms.

Example

In 2003 mobile courts were introduced in certain rural areas of Zambia, to bring to justice perpetrators of sexual and gender-based violence, and sensitize persons of concern to the rights and responsibilities of perpetrators and victims and survivors under Zambian law. With the support of an IP, a mobile juvenile court was established in one of the western camps, which conducted two court sessions in the course of the year. Mobile courts began operating in the northern camps at the end of the year.

In total, 133 cases were heard in Kala and 116 in Mwange. The most common type of case involved domestic violence. UNHCR continued to advocate for the establishment of police victim support units in camps and settlements to improve reporting of action taken in SGBV cases.

Further considerations

- Alternative dispute-resolution mechanisms are often perceived, even by host governments, to provide convenient, cost-effective and culturally-relevant justice. They should not be romanticized.
- Members of such systems may not be democratically elected by the persons of concern. They may not represent the interests of the majority of refugees, or minority groups. They may be also prone to corruption and favouritism.
- The punishments imposed through such mechanisms, or their procedures, may also violate human rights. (A victim of rape may be forced to marry the man who raped her in order to save family honour, for example.)
- For these reasons, serious crimes (including acts of sexual violence, unlawful killing, or physical attacks) should always be referred to the formal justice system.

- Do not develop by-laws only with the communities of persons of concern, because they are often disregarded without any serious consequence, which defeats their purpose. National authorities (managers of the camp or settlement or relevant government officials) should be involved in drafting and endorsing such documents.
- Bear in mind the limits of UNHCR's capacity to ensure access to free legal aid. Free legal aid may not be available in your operational context.
- Persons of concern, who may be victims, may sometimes be charged with criminal offences and detained (for example in the context of arrests for human trafficking and smuggling). Free legal aid should also be available in such cases (if possible).
- See also the following Response: *Adherence to International Norms and Standards in Law and Practice*.

Further references

-
- UNHCR, *Operational Protection in Camps and Settlements. A Reference Guide to Good Practices in the Protection of Refugees and Other Persons of Concern*, June 2006. At: <http://www.unhcr.org/refworld/docid/44b381994.html>.
 - UNHCR, *Protection Gaps Framework for Analysis: Enhancing Protection of Refugees*, 2008, 2nd Edition. At: <http://www.unhcr.org/refworld/docid/4afc260b2.html>.
 - UNHCR, *Statelessness: An Analytical Framework for Prevention, Reduction and Protection*, 2008. At: <http://www.unhcr.org/refworld/docid/49a28afb2.html>.
 - Inter-Agency Standing Committee, *Handbook for the Protection of Internally Displaced Persons*, June 2010. At: <http://www.unhcr.org/refworld/docid/4790cbc02.html>.

2.7

Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats

Definition What is it?

A referral mechanism is a co-operative framework via which partners (including national authorities, international institutions, international organizations, INGOs and NGOs) organize and coordinate their roles and efforts to protect the rights of victims of abuse. Standard Operating Procedures (SOPs) are guidelines that define the roles, responsibilities and lines of communication of each actor in the referral mechanism. Referral mechanisms and SOPs may be national or local.

Purpose Why is it useful?

Clear SOPs, combined with an effective multi-sectoral referral mechanism, make it easier to identify, document and report security threats, and encourage victims of abuse to report incidents to the appropriate authorities. Persons of concern are often reluctant to report abuses, for a variety of reasons: shame or fear of stigmatization; isolation; fear of presenting their testimony to the authorities; fear of retaliation by the community or perpetrator(s), etc. In cases of *refoulement*, trafficking or smuggling the victims who may be persons of concern to UNHCR are often unable to report the incident themselves. Referral mechanisms and SOPs ensure that all protection actors take action in a manner that is efficient, timely and consistent. Referral mechanisms and SOPs also allow to monitor and evaluate responses, of all actors, improving their accountability and their performance.

Description of the response

Guiding principles

- In matters of protection, UNHCR acts on the basis that host States have the primary responsibility to protect persons of concern.
- Interventions by UNHCR should encourage States to assume their responsibilities and strengthen their capacity to respond and protect persons of concern effectively.
- UNHCR offices always aim to establish with each host State, as soon as possible, a clear understanding of protection needs and the respective roles and commitments of all parties. Whenever possible, such understandings should be confirmed in written exchanges, agreements, or a communication that sets out UNHCR's understanding of what has been agreed and what requires further discussion.
- Media may be mobilized to help prevent or respond to abuses of the rights of persons of concern.
- An accountability framework, in the form of established referral mechanisms and SOPs, is an essential instrument to ensure that all protection and security activities are implemented successfully and with integrity.
- Always observe the guidance in SOPs when addressing security threats or abuses (sexual violence, other forms of violence, harmful traditional practices, human trafficking and smuggling, *refoulement*, and other security threats).

Steps to be taken for SOPs

- The first step is to identify the relevant actors and invite them to a meeting or a series of meetings to develop a common understanding of the main protection principles and concerns with regard to human rights abuses. In such discussions, always involve representatives of the host government, the host community, persons of concern

(applying AGD principles), and other relevant stakeholders. The degree of their involvement will depend largely on the operational context. Disseminate relevant materials during these meetings and use them to share information and generate training opportunities.

- Develop networks to collect and analyse information. In doing so, draw on a variety of sources. Information gathering requires the involvement of staff at different levels, and awareness of the security risks that it may create for persons of concern and staff. Information should be sought from persons of concern, humanitarian aid agencies, UNHCR and other UN agencies, host government institutions, national NGOs, other civil society groups and individual practitioners.
- Extend protection by presence. Engage and deploy adequate numbers of protection staff. Ensure that the protection team is balanced in terms of gender and is AGD-sensitive.
- Apply the relevant framework for gaps analysis (as applicable to the category of persons of concern), to identify problems and their causes, and define appropriate activities (outputs) that will achieve the set objective. To address certain security threats (such as human trafficking and smuggling, sexual violence and harmful traditional practices), teams with a range of skills from various organizations will need to be assembled.
- Agree on guiding principles and define the roles and responsibilities of every actor involved in protection. Agree standard forms for narrative reporting and statistics.
- Based on these understandings, apply relevant SOPs (as outlined in the relevant reference documents). Whenever possible, SOPs should be signed by all the actors concerned. When responding to threats of SGBV, including sexual violence and harmful traditional practices, a standard template should be used. In addition

to defining the referral mechanism, SOPs should outline the mechanisms and tools for coordination, monitoring and evaluation.

- Ensure that the confidentiality of the personal data of victims/survivors is preserved at every stage, including information sharing and analysis.
- All victims/survivors should be entitled to receive very clear information, from any actor involved in protection, what they can expect from the national referral mechanism.

Example (hypothetical example based on real experiences)

In 2008, persons of concern in country A faced legal, social and economic constraints that hampered significantly their integration into the host communities. A participatory assessment carried out early in 2007 detected a high rate of sexual and gender-based violence. Local authorities lacked the capacity and expertise to respond. No referral mechanism existed to assist victims/survivors to find shelter or psychosocial services in remote rural and indigenous communities.

A national referral mechanism and SOPs for victims of SGBV was developed. UNHCR commissioned a SOP specialist to interview a local doctor, judge, school principal and three focus groups composed of local and refugee women. IOM ran a similar study in selected communities and decided to develop SOPs for the region. UNHCR requested IOM to do this in coordination with UNHCR's consultant, so that it could take account of UNHCR's findings.

Representatives of IOM and UNHCR signed a letter of agreement to this effect. A Legal Aid Centre was established, coordinated by an international NGO and supported by UNHCR. A UNHCR Legal Aid Outreach Team was organized with a national judge specializing in family law that provided psychological and legal counselling in remote communities. A verbal agreement was made with the social welfare authorities to provide persons of concern with access to the only shelter centre for victims of domestic violence in the country.

Further considerations

- Use SOPs for addressing cases of *refoulement* or imminent risk of *refoulement* also as guidance for action and coordination when faced by critical protection and security threats to persons of concern (threats to life, freedom and physical security; trauma; torture or inhuman or degrading treatment or punishment; large-scale sexual or gender-based violence; forced return of IDPs to situations where they face irreparable harm, etc.).

Further references

- UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in action*, February 2011. At: <http://www.unhcr.org/refworld/docid/4d9430ea2.html>.
- UNHCR, *Human Trafficking and Refugee Protection: UNHCR's Perspective*, September 2009. At: <http://www.unhcr.org/refworld/docid/4ae17da12.html>.

2.8

Adherence to International Norms and Standards in Law and Practice

Definition What is it?

Activities whose aim is to promote:

- **Accession to, ratification of, or strengthening of relevant international and regional instruments** with regard to:
 - Refugee law (the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and regional instruments).
 - Prevention and reduction of statelessness and protection of stateless persons (the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons and regional instruments).
 - Human rights law (inclusive of regional instruments).
 - International humanitarian law.
 - International criminal law.
- **Inclusion in national law and policies of international norms and standards** contained in international and regional instruments, customary law, and soft law (for example, the Conclusions of the Executive Committee of the High Commissioner's Programme, or Recommendations of the Parliamentary Assembly of the Council of Europe).
- **Application of national laws** in a manner that allows persons of concern to enjoy their rights in full accordance with international norms and standards.

2.8

Purpose Why is it useful?

UNHCR has operations in many countries in the world where international and regional norms and standards that define the rights to be enjoyed by persons of concern are not respected in

law or in practice. Directly or indirectly, this may seriously threaten the physical security of persons of concern (by exploitation, trafficking and smuggling, arbitrary arrest and detention, *refoulement* and arbitrary expulsion, collective or individual physical attacks, sexual violence, abuse of power, harassment, intimidation, neglect, etc.). Failure to observe and respect international standards may also create conditions in which tensions and conflict, protests and mass disturbances and incidents of self-harm of persons of concern occur. Further, where the rule of law is weak and legal and administrative frameworks do not function well, high levels of crime are likely, and effective legal redress is unlikely to exist, increasing the insecurity of persons of concern. Adherence to international and regional norms and standards, with sound national law and practice, help all protection actors to reduce insecurity and protect rights.

Description of the response

Accession to, ratification of, and strengthening of relevant international and regional instruments

- Advocate with government officials and MPs. Translate, publish and disseminate promotional materials (accession packages). UNHCR itself advocates and promotes accession to the 1951 Refugee Convention and its 1967 Protocol, as well as to the two Statelessness Conventions of 1954 and 1961. It also joins a range of other actors (such as UNICEF, OHCHR, and ICRC) in their efforts to promote accession to other international instruments that underpin the protection and security of persons of concern (such as CAT, the Palermo Protocols, etc.).
- Assess which international and regional instruments have been ratified by the host country or country of asylum.

- Participate in public events and fora that are convened to promote accession or ratification of relevant instruments.
- Provide expert and technical assistance via on-the-job training, and formal workshops and seminars.
- Involve regional and international human rights mechanisms (for example the Committee on the Rights of the Child, the Human Rights Committee, the Committee for Elimination of Racial Discrimination). Do so only in close consultations and guided by DIP.

Inclusion in national law and policies of international norms and standards

- Assess and analyse the national laws and policies in a legal study. Analyse the gaps in protection and security, and weaknesses of implementation, as well as the migration policies of the host country or country of asylum.
- With the support of DIP, provide expert and technical assistance to governments and Parliaments when they draft laws or decrees that affect persons of concern, for example on status determination and access to human rights, including their right to physical security. Contribute via written commentaries on draft national legislation, dissemination of relevant legal materials, and workshops.
- Involve key Ministries, local authorities, national human rights institutions and Ombudsman Offices, the international community at large (Embassies and Ambassadors), and public or private universities, by means of démarches, working meetings and workshops.
- Engage international human rights mechanisms (for example Treaty Bodies or the Universal Periodic Review), in close consultations with and guided by DIP.

- Play at minimum an advisory (consultative) role in national status determination procedures.
- Intervene with quasi-judicial or judicial institutions, via *amicus curiae* briefs (“letters of a friend of the court”), statements, informal notes or letters, guided by DIP.
- Include protection safeguards for persons of concern in national migration and readmission policies and agreements.
- Cooperate and coordinate with a wide range of partners (persons of concern, UN agencies, NGOs, etc.).

Application of national laws

- Provide free legal aid services to persons of concern, to the extent feasible in your operational context, through legal clinics, Bar or Lawyers’ Associations, and NGOs. Where feasible, advocate for the provision of free legal aid to persons of concern, funded by the State.
- Monitor, directly and through implementing partners who provide free legal aid, whether the judicial review system deals fairly and efficiently with complaints involving status determination procedures, human rights violations, and criminal cases that affect persons of concern.
- Establish with partners arrangements for monitoring strategic border entry points.
- Increase the number of protection and field staff, maintaining gender balance, in locations where the population is at risk.
- Monitor regularly access to and violations of rights of persons of concern, both through direct UNHCR protection by presence and with the help of implementing partners.
- Intervene with host State authorities (verbally and in writing), at both central and local level, when the rights of persons of concern are

restricted or denied. Engage on both general issues and individual cases.

- Use the Heightened Risk Identification Tool, and the Specific Needs Codes, to identify persons of concern who are at risk. Monitor their cases regularly.
- Establish special procedures for persons with specific needs. Ensure that they are included and participate in initiatives to improve protection.
- Provide persons of concern with information on their rights and obligations.
- Establish and follow strictly all relevant SOPs (for example, on best interests determination (BID) regarding children, status determination procedures, preventing and responding to incidents of sexual and gender-based violence, preventing and responding to incidents of *refoulement*, responding to incidents of physical attacks on persons of concern and abuse of power, etc.).
- Develop and observe clear monitoring and reporting procedures on general issues and individual cases. Adhere strictly to UNHCR confidentiality guidelines and guidelines regarding UNHCR's cooperation with international and national courts and tribunals.

Further considerations

- Seek to understand the political, cultural and socio-economic context when seeking to strengthen respect for international standards. States are primarily responsible for guaranteeing that those living under their jurisdiction, including non-nationals (irrespective of their legal status) are able to enjoy their human rights, including the right to physical security. Their responsibility extends to persons of concern to UNHCR.
- States are sometimes willing to protect *de facto* the rights of persons of concern (as laid out in

2.8

the 1951 and 1954 Convention and in human rights instruments), but remain unwilling to formally accede to or ratify them. For a variety of reasons, they are sometimes prepared to grant persons of concern even broader rights than those contained in the Conventions, but remain unwilling to accede to or ratify them. In such situations, you should not cease to advocate for accession and ratification. However, be mindful not to undermine in the process the existing protection framework that is available in the country, if it adheres to or even exceeds the norms established in international standards.

- A State that is not party to the 1951, 1954 and 1961 Conventions may be still willing to recognize their universal character in practice. In many operations across the world, UNHCR exercises its mandates with the full accord of the host State, even though that State is not a Party to the Conventions.
- When you advocate for accession or ratification, or strengthening of instruments, illustrate your case with positive examples from the experience of States with similar political aspirations.
- Consider the possibility of involving the international community (Ambassadors, other UN agencies, etc.) in advocacy on issues relating to physical security of persons of concern, as appropriate to your operational context.

Further references

-
- UNHCR/International Inter-Parliamentary Union, *Nationality and Statelessness: A Handbook for Parliamentarians*, October 2005. At: <http://www.unhcr.org/refworld/docid/436608b24.html>.
 - UNHCR, *An Introduction to International Protection: Protecting Persons of Concern to UNHCR, Self-study module 1*, 1 August

2005. At: <http://www.unhcr.org/refworld/docid/4214cb4f2.html>.

- UNHCR, *IOM/064/2008 – FOM/066/2008 Interventions Before Courts by UNHCR*, 25 August 2008, IOM/064/2008 – FOM/066/2008 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/48b50e652.html>.
- UNHCR, *IOM/071/2001 – FOM/068/2001 Confidentiality Guidelines*, 1 August 2001, IOM/071/2001 – FOM/068/2001 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3be17dfd4.html>.
- UNHCR, *Self-Study Module 5: Human Rights and Refugee Protection (Vol. I)*, 15 December 2006, vol. I. At: <http://www.unhcr.org/refworld/docid/466942032.html>.
- UNHCR, *Self-Study Module 5: Human Rights and Refugee Protection (Vol. II)*, 15 December 2006, vol. II. At: <http://www.unhcr.org/refworld/docid/4669434c2.html>.
- UNHCR, *UNHCR and Inter-Parliamentary Union, A Guide to International Refugee Law – Handbook for Parliamentarians*, No. 2, 2001. At: <http://www.unhcr.org/3d4aba564.html>.

2.9

Promote the Use of the Code of Conduct

Definition What is it?

Humanitarian agencies have a duty of care to persons of concern and a responsibility to ensure that they are treated with dignity and respect and that certain minimum standards of behaviour are observed. Humanitarian agencies are obliged to create and maintain an environment that prevents abuse and mistreatment of persons of concern and promotes a code of conduct to achieve this objective.

The UNHCR Code of Conduct is a set of guidelines that outline the principles, values, standards and rules of behaviour that guide its decisions, procedures and systems in a manner that enables UNHCR (working with partner organizations) to fulfil its responsibilities, protect and contribute to the welfare of persons of concern (its key stakeholder), and respect their rights and the rights of others who are affected by its operations.

Purpose Why is it useful?

UNHCR promotes the Code of Conduct with its staff and with persons of concern, thereby reinforcing the objectives and credibility of its mission and its reputation, while at the same time promoting integrity and ethical standards in the workplace. By ensuring that all parties are aware of UNHCR's ethical expectations, the Code of Conduct is both a preventive mechanism and one that enables potential shortcomings and breaches to be identified.

2.9

Description of the response

Decision-making and process

- Ensure all the organizational accountability policies and mechanisms are implemented, to prevent breaches of the Code of Conduct.

- Develop complaints systems and make sure they are accessible to all members of the community, including older persons and those with disabilities. Ensure investigation and follow-up procedures are in place: this encourages reporting of suspected breaches of the Code. Maintain confidentiality at all times.
- If you believe that you have information concerning alleged breaches of the Code of Conduct by a UNHCR staff member which may amount to misconduct, you should report it to your manager or to the Inspector General's Office. If the person in question is not a staff member of UNHCR, the information should be reported to the relevant authority.
- Establish with implementing partners and security forces (for example, in the appropriate sub-agreement, MOU or LOU) an agreed response that will be implemented if any of their staff members commits, or is alleged to have committed a criminal act in the host country.

Guiding principles

- Ensure that stakeholders can seek advice on the ethical correctness or otherwise of actions they propose to take, and have access to a range of tools to assist them (for example, Code of Conduct focal points, training modules, email updates, information leaflets, etc.).
- The Code of Conduct and the *Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (in the simplified or complete version) should be available in all operational and office areas to persons of concern and other stakeholders. Copies of the Code of Conduct should be made available in the main languages of persons of concern and local stakeholders.

- The Code of Conduct should be distributed in communities and community leaders should be trained so that they can inform members of their communities of its content and the ethical standards which UNHCR staff are expected to meet. Additionally they should receive advice and information on reporting and complaint mechanisms, which should be adapted to the expectations and needs of the community in question.
- Raise the awareness of communities about the Code of Conduct. Display and advertise the Code of Conduct in common areas, by means of signs, leaflets, brochures, films, bulletins, posters and other information tools. If feasible use radio and television and other information-sharing mechanisms to reach all members of the population and maximize awareness. Provide communities and all stakeholders with examples of breaches of the Code of the Conduct.

Further considerations

- The existence of a Code of Conduct will not by itself prevent abuse or unethical behaviour. To be effective, its message must be regularly reaffirmed, by different means, complaint procedures applied rigorously and fairly, and the confidentiality of complainants protected. Senior managers have a particular responsibility to show consistently that they are committed, and that UNHCR is committed to its adherence.

Further references

- UNHCR, *Addressing Grievances in UNHCR. Where to go for help*, 2009. At: http://www.unhcr.org/en/pseataaskforce/docs/leaflet_addressing_grievances_in_unhcr.pdf.
- UNHCR, *Code of Conduct and Explanatory Notes*, UNHCR, 2006. At: <http://www.unhcr.org/422dbc89a.html>.

- UNHCR, *IOM/054/2005 – FOM/054/2005 The Role, Functions and Modus Operandi of the Inspector General's Office*, 3 November 2005, IOM/054/2005 – FOM/054/2005 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/43706e744.html>.
- UNHCR, *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.
- UNHCR, *UNHCR: Code of Conduct. Guidelines for Managers*, 2004. At: http://www.un.org/en/pseataaskforce/docs/code_of_conduct_guidelines_for_managers_english.pdf.
- UN Secretary-General (UNSG), *Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, 9 October 2003, ST/SGB/2003/13. At: <http://www.unhcr.org/refworld/docid/451bb6764.html>.
- United Nations, *International Civil Service Commission, Code of Conduct for International Civil Servants*. At: <http://icsc.un.org/resources/pdfs/general/standardsE.pdf>.

2.10

Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes

Definition What is it?

DDR and SSR are important components of post-conflict efforts to prevent the resurgence of armed conflict and create conditions for a sustainable peace and long-term development. As part of a broader post-conflict peacekeeping agenda they play a crucial role in efforts to control small arms and light weapons, promote demining programmes, protect human rights, and redress past crimes or promote reconciliation via transitional justice mechanisms.

Security sector reform describes a process of assessment, review and implementation, monitoring and evaluation, led by national authorities, for the purpose of establishing effective and accountable security, for the State and the people the State governs, that is non-discriminatory with respect of human rights and the rule of law.

Purpose Why is it useful?

Security sector reform offers a framework which national actors, the UN, and other international partners can use to implement a shared vision of security. DDR and SSR provide tools for responding to many of the identified security threats that persons of concern face. They should be understood as closely related processes of post-conflict reconstruction that enhance the State's ability to establish security and reinforce the rule of law.

2.10

Description of the response

Decision-making and process

- An effective DDR strategy can strengthen national policy formulation, while shaping the security sector.
- Building effective partnerships (across government, within the society, and internationally) is critical to the success of security sector reform processes, which require political support, substantial resources as well as technical expertise.

Guiding principles

- Both DDR and SSR should be nationally owned and designed for the particular needs of the society in question. It is important to take account of context-specific sensitivities because gaining the political consent and support of a broad cross-section of national stakeholders is an essential condition of their successful implementation.
- By reshaping the size and character of the security sector, DDR programmes prepare the ground for SSR. If successful they may also free resources which can be employed for SSR activities, for example the integration of ex-combatants in a new formal or informal security sector. Reforming the security sector, building capacity and improving management and oversight, bestow legitimacy and permit DDR and SSR reforms to enhance sustainability.
- A well-defined strategy, setting priorities and timelines, and sound partnerships are required to implement an SSR process. Reform must be grounded in a realistic understanding of what is financially, operationally and logistically possible. Issues of infrastructure, training and equipment are central concerns.
- Effective governance and civilian oversight of the security sector are also essential. Failures of governance and oversight, or in the rule of law,

can fatally damage the effectiveness of reforms, as well as public and international support for them. In this context, the involving of non-State actors (NGOs, civil society organizations) and the media are also vital.

- With regard to DDR, the UN accentuates the need for reform process to be people-centred, flexible, transparent, accountable, nationally owned (including both State and non-State actors at every level), integrated, and well planned. In cases where combatants are declared to be members of an illegal group, police reform and relevant judicial reforms can promote deterrence of, and help to ensure compliance with, the DDR process.
- DDR reforms can create a security vacuum. This is a further reason for coordinating the planning and implementation of DDR and SSR reform processes.

Steps to be taken

- UNHCR can support DDR programmes by disseminating information and advice to combatants. It can encourage them to identify themselves, assist family members who belong to refugee or returnee populations, be a source of information or assistance with regard to related concerns, and can support the physical repatriation of disarmed and demobilized groups who require to be transported across borders. It can also contribute by informing communities of persons of concern about security sector reforms that are planned and their potential benefits.
- In coordination with implementing partners and the wider UN community, UNHCR can provide practical advice on camp management, logistical issues, and the planning and design of sites in the pre-cantonment phase. UNHCR may provide material assistance (non-food items) as well.

2.10

- UNHCR may further assist the DDR process by monitoring the reintegration of ex-combatants following return to their places of origin. They and their families may be included in community-based reintegration activities for persons of concern and other war-affected populations.
- In support of security sector reform, UNHCR may provide training to government stakeholders, judiciary officials and civil society organizations, notably on the rule of law, human rights, and governance issues.

Further considerations

- If reformed security sector institutions are to become non-discriminatory, inclusive and equipped to respond to the specific security needs of diverse groups in their societies. It is vital to include an age, gender and diversity perspective in SSR and DDR programmes.
- DDR alone cannot resolve conflict or prevent violence. It can help to establish the conditions for a secure environment, so that other components of a recovery and peacebuilding strategy can proceed. In this context, disarmament is not merely a short-term security measure for the collection of weapons and munitions. It is crucial to the larger process of restoring or establishing State regulation and control over the transfer, trafficking and use of weapons within territory concerned.

Further references

- UNHCR, *Protection Guidelines Relating to Refugee Security*, 3 May 1999. At: <http://www.unhcr.org/refworld/docid/4124bee54.html>.
- GTZ et al., *Disarmament Demobilisation and Reintegration: A Practical Field and Classroom Guide*, ISBN 1-896551-54-8, GTZ, NODEFIC, PPC and SNDC, December 2004. At: <http://reliefweb.int/node/24069>.

- UN General Assembly, *Securing peace and development: the role of the United Nations in supporting security sector reform: report of the Secretary-General*, 23 January 2008, A/62/659-S/2008/39. At: <http://www.unhcr.org/refworld/docid/47b1c33a2.html>.

2.11

Training on Human Rights, Refugee and International Humanitarian Law

Definition What is it?

Three areas of international law are particularly relevant to ensuring the physical security of persons of concern: international refugee law, international human rights law and international humanitarian law. UNHCR can increase the capacity of national institutions and NGOs to extend physical security and protect persons of concern by providing officials and other actors with training on these bodies of law. “Training” is understood to include formal training events (workshops, round tables, study visits) and more informal activities (working meetings with partners, special working groups). It can involve both national and international partners.

Purpose Why is it useful?

Persons of concern have often survived, or are still threatened by, serious security threats. They may *inter alia* have been tortured, raped, arbitrarily detained, been displaced, lost close members of their family, suffered discrimination, etc. To address the problems they confront, and mitigate the risks they face, partners and key stakeholders in the host State, including the law enforcement and security forces, need to be able to identify violations of human rights law, refugee law, and international humanitarian law. This knowledge is equally important for the design and implementation of security and protection activities in UNHCR operations.

In addition, training in human rights, refugee, and international humanitarian law assists law enforcement and security authorities to identify persons of concern who require international protection when they arrive as part of mixed

2.11

migration movements, at border entry points, or elsewhere in the country. It can thereby contribute to the prevention of incidents of *refoulement* and arbitrary expulsion. Equally, legal training helps all partners who are engaged in a multi-sectoral response, and who offer legal, psychosocial, security, nutritional or medical services, to set appropriate standards for the care and advice they provide to victims and survivors of abuse, and also perpetrators.

Description of the response

Monitoring and analysis

- Monitor and analyse underlying causes of identified security threats, evaluate them in terms of international legal frameworks, and assess the capacity of relevant official institutions, partners and stakeholders to address them.
- Identify the extent to which the institutions that employ those who are to be trained possess the experience and capacity to apply international human rights law, refugee law and international humanitarian law to the problems they must address. Assess the trainees' experience of confronting, evaluating and responding to violations of law and rights.

Design and implementation of training

If you conclude that training in human rights, refugee and international humanitarian law will have positive effects, design it:

- Define first specific learning objectives and results. Focus on what changes of behaviour you want to see in those who are trained.
- Select learning approaches, activities and methods, with assistance from UNHCR's Global Learning Centre. Your decisions will largely depend on your assessment of the trainees' capacity and knowledge. Do not rely only on

formal workshops and training events. On-the-job training can be often more productive.

- It may be helpful to test (pilot, or roll-out gradually) a new training module to allow the design team to make adjustments as needed.
- Evaluate the impact and results of the learning process. What did trainees learn? Are the learning results satisfactory? Has their behaviour changed, following training? It is vital to monitor the effects of training at a later date. For example, if border guards were trained to identify persons in need of international protection, monitor the border to see whether more persons of concern are being allowed to enter the country or if *refoulement* incidents have decreased.

Human rights training

- Persons of concern are entitled to enjoy at all times the rights and fundamental freedoms set out in international human rights instruments, in their country of origin, during their flight and after arrival in the host country. The security of persons of concern must therefore be seen in this broader context.
- Human rights norms are particularly relevant to refugee protection because human rights instruments are:
 - Ratified by more countries than international refugee law instruments.
 - Provide for a broader range of rights than international refugee law instruments.
 - Afford the same treatment to nationals and non-nationals, including asylum-seekers, refugees and stateless persons.
 - Contain a wider non-discrimination principle.
 - Establish a variety of supervisory mechanisms (such as the adjudication of individual complaints by an international human rights court).

- Are applicable to everyone under the jurisdiction of a State Party, irrespective of whether they have legal status or not in the country in question.
- Knowledge of human rights instruments is vital when assessing whether the harm that an individual fears in his country of origin constitutes persecution in terms of the refugee definition. It therefore has a crucial impact on the outcome of refugee status determination procedures – on whether individuals are granted or denied refugee status.

International humanitarian law

IHL defines the rules that apply during armed conflict.

- These rules restrict the actions of parties to a conflict by providing for the protection and humane treatment of persons who do not take part in hostilities (civilians, medical and aid workers), and those who can no longer take part in hostilities (because they are wounded, sick, shipwrecked troops, prisoners of war, etc.).
- It protects persons of concern in arenas of international or internal armed conflict.
- It regulates the means and methods of warfare but does not address the question of the legality of an armed conflict, whether international or internal.
- During armed conflicts, international human rights law and international humanitarian law are applicable simultaneously. International humanitarian law is considered *lex specialis* (law governing a specific subject matter): the general norms of international law are suspended, and the scope of the right to life is determined by international humanitarian law.

Training in refugee law

- Seek to involve OHCHR in human rights training events, ICRC in training events on humanitarian law, and other partners (such as IOM and OSCE) when dealing with topics that touch upon their respective mandates.
- Incorporate elements of human rights training in all refugee law training activities.
- The UNHCR training materials listed in the *further references* section below are resources that can be used when designing training sessions. Use them in combination with the guidance provided by international instruments and various handbooks, international protection guidelines, policy documents. Make use as well of the Special Features in UNHCR's Refworld on [The UN Human Rights System](#), [Refugee Status Determination](#), [Statelessness](#) and [Protection of Civilians in Armed Conflict](#).
- The statelessness instruments and UNHCR's mandate to prevent and reduce statelessness and protect stateless persons should be regularly included in training events. This will assist relevant stakeholders to identify persons of concern (inclusive of stateless persons) to whom they should extend protection. It may be particularly relevant when devising responses to human trafficking and smuggling.
- Always seek to consult and make use of UNHCR resource persons (Senior Legal Advisors at the Respective Desks and Bureaux the relevant DIP unit and Global Learning Centre) when preparing the agenda and content of a training.
- Draw on external expertise (in universities, the judiciary, including the International Association of Refugee Law Judges, lawyers, civil society and NGOs that offer free legal aid to persons of concern).

- Try to include a wide range of participants from the national and international stakeholders in training events: police, judiciary, reception centre staff, social welfare authorities, administrative bodies that decide in status determination procedures, lawyers, NGOs and national human rights institutions, etc.
- Do not limit participation to the principal target audiences or topics. The latter can range from reception and identification of persons in need of international protection to status determination procedures and access to rights. This will allow particular stakeholders to become familiar with areas of law and interactions with persons of concern that do not fall strictly within their particular area of responsibility.
- If you organize training for judiciary on refugee status determination, consider involving lecturers from the International Association of Refugee Law Judges, in coordination and consultation with your respective Bureau. UNHCR has a standing agreement with this organization. Its members have proven to be invaluable resource persons in many field contexts.

Example (hypothetical example based on real experiences)

In 2004 in country A, UNHCR decided to increase awareness of asylum law and to strengthen protection of asylum-seekers and refugees. A regular course on Refugee Law at the Law Faculty, taught by UNHCR staff and university professors started in February 2004. A Seminar on Refugee Law and Asylum Matters was organized for judges (as part of their formal qualification requirements) focusing on international and national refugee law, refugee status determination principles and safeguards, and on regional human rights instruments (e.g. Article 3 of ECHR). Ten courses for senior and mid-ranking border police officers were run jointly by UNHCR and IOM, in cooperation with the Police Academy, Border Police, Law Faculty, the School of Magistrates, and the General Prosecutor's Office. Training sessions for border guards were subsequently carried out at border points. The courses used IOM manuals with inputs from UNHCR on the duties of the border police towards asylum seekers, *non-refoulement*, access to RSD, and detention of asylum-seekers. A study visit for asylum and migration authorities to an EU country was funded by the European Union.

As a result of these initiatives, referrals of asylum claims to the Directorate for Refugees improved significantly, especially by border and police officials. Improvement was also noticed in the quality of RSD decision-making, and case management of the Directorate for Refugees, though RSD was still deemed not to be in compliance with international standards. Decisions were also taken more quickly. The training inputs gave the Directorate for Refugees, the judiciary and border police new impetus.

Further considerations

- See also the following Responses: *Adherence to International Norms and Standards in Law and Practice*; *Enhance the Capacity of National Institutions and NGOs*; and *Access to Justice*.

Further references

- UNHCR, *Self-Study Module 1: An Introduction to International Protection. Protecting Persons of Concern to UNHCR*, 1 August 2005. At: <http://www.unhcr.org/refworld/docid/4214cb4f2.html>.
- UNHCR, *Self-Study Module 2: Refugee Status Determination. Identifying Who is a Refugee*, 1 September 2005. At: <http://www.unhcr.org/refworld/docid/43141f5d4.html>.
- UNHCR, *Self-Study Module 3: Interpreting in a Refugee Context*, 1 January 2009, At: <http://www.unhcr.org/refworld/docid/49b6314d2.html>.
- UNHCR, *Self-Study Module 5: Human Rights and Refugee Protection (Vol. I)*, 15 December 2006, vol. I. At: <http://www.unhcr.org/refworld/docid/466942032.html>.

2.12

Screening Points and Reception Centres

Definition What is it?

Reception arrangements consist of measures adopted by a host country to meet the immediate needs of new arrivals who enter the country as part of mixed (regular or irregular) migration flows. These measures are provided to all persons of concern in need of international protection, regardless of their legal status, and ensure their welfare until referral procedures are completed. Reception starts at entry points to the country, where screening centres are often established as a first step, notably when reception arrangements are not available at the border or there are few appropriate reception facilities in the country.

Purpose Why is it useful?

Screening centres identify persons in mixed migratory movements who are in need of international protection, and meet their immediate needs. Reception centres are important in the immediate period following arrival: they provide accommodation, food, clothing and medical services, provide immediate psychosocial care when required, and identify individuals and families who have specific needs or who are at particular risk. If run efficiently, both types of centre provide safe and secure environments that protect persons of concern from security threats.

Description of the response

Decision-making and process

- The establishment of transit or reception centres raises a number of practical and legal issues, with respect to human rights and the rights of persons of concern. Ideally, these should be addressed when such centres are designed and established.
- The site location of the centre should be agreed in consultation with all partners.

2.12

- The decision, as to whether a centre will be open or closed, depends on the legislation of the host country. UNHCR should advocate for open reception centres, where the freedom of movement of persons of concern is not restricted. Material conditions at centres should reflect established standards. Where necessary, UNHCR should assist the host authorities to meet minimum standards.

Guiding principles

The reception of persons of concern should be guided by the following considerations:

- Human rights and applicable international human rights law and standards should be respected.
- To ensure their basic needs are met, persons of concern should have appropriate access to non-governmental and government stakeholders that deliver essential services. In this process, their right to privacy should be respected.
- Security and respect for the dignity of all inhabitants of the reception centre are best upheld by limiting the numbers of people placed in them, providing adequate space and privacy for sleeping arrangements, separate washing facilities for men and women, and satisfactory sanitary and hygienic conditions. Age, gender and diversity sensitivities should also be considered when designing reception arrangements. Unity of the family should additionally be considered.
- Both male and female asylum-seekers should be registered and given appropriate documentation.
- UNHCR should have access to asylum-seekers under all circumstances, including in detention facilities or “closed” centres.

- Encourage the development of open reception centres with appropriate safeguards and conditions that meet human rights standards.
- If semi-open or closed reception centres are established, advocate for UNHCR's access to assess protection and assistance needs.
- Conclude agreements and develop SOPs on the roles and responsibilities of the various government and non-government agencies that are involved in reception arrangements. Establish monitoring mechanisms to ensure that the arrangements in all centres are safe, meet minimum standards, and respect human rights. This will involve working with NGO partners for whom UNHCR may need to negotiate access with the government concerned.
- Transfers to or from centres do not diminish the human rights responsibilities of States or their duty to guarantee *non-refoulement* under the 1951 Geneva Convention relating to the Status of Refugees.

Example: Mexico (1997 to the present day)

The Albergue Belen is one of five open reception centres in the region. Run by the Catholic Scalabrinian Order, it provides an alternative to State detention facilities for persons who arrive with or without entry permits or proper travel documents. Under an agreement with UNHCR, the Albergue Belen provides reception services to migrants, trafficked persons and asylum-seekers who approach either the National Commission for Refugee Assistance or UNHCR. The centre provides a successful alternative to detention. The level of its reception standards has reduced the number of improperly documented individuals who abscond and move to another Mexican State. Registration services are available for persons seeking international protection only, not for migrants.

2.12

Further considerations

- The UNHCR 10-Point Plan of Action provides a framework that assists States to ensure that persons in need of international protection, who travel within broader mixed migratory movements, can be identified and provided with appropriate levels of protection. Its 10 Points call on States to: (i) cooperate with key partners; (ii) collect and analyse data; (iii) ensure that entry points are protection-sensitive; (iv) provide reception arrangements; (v) establish mechanisms for profiling and referral and (vi) differentiated processes and procedures; (vii) offer solutions for refugees; (viii) address secondary movements; (ix) offer return and alternative migration options for non-refugees; and (x) implement an information strategy. The Plan is particularly relevant to situations where refugees are at risk of *refoulement* or irregular onward movement. The Plan recognizes the importance of a cooperative and collaborative approach and partnership between all relevant stakeholders to maximize strengths and capacities and distribute responsibilities.
- A long-term approach to managing the migratory flows of persons of concern should include policies to prohibit and eradicate violence against women in countries of origin, which triggers the flows.

Further references

- UNHCR, *Conclusion on reception of asylum-seekers in the context of individual asylum systems*, 8 October 2002, No. 93 (LIII) – 2002. At: <http://www.unhcr.org/refworld/docid/3dafdd344.html>.
- UNHCR, *Reception Standards for Asylum Seekers in the European Union*, July 2000. At: <http://www.unhcr.org/refworld/docid/3ae6b3440.html>.

- UNHCR, *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, January 2007, Rev.1. At: <http://www.unhcr.org/refworld/docid/45b0c09b2.html>.
- UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in action*, February 2011. At: <http://www.unhcr.org/refworld/docid/4d9430ea2.html>.

2.13

Efficient Status Determination Procedures

Definition What is it?

The **1951 Convention relating to the Status of Refugees** (hereafter the 1951 Convention) and the **1954 Convention relating to the Status of Stateless Persons** (hereafter, the 1954 Convention) define those on whom they confer protection, set out their rights, and establish key principles. However, they do not contain any provisions that regulate the procedures by which the status of refugee or stateless person is to be determined.

Status determination procedures (refugee status determination procedure and statelessness determination procedure) are procedures that enable UNHCR or officials from the host State to assess whether an individual meets the requirements contained in the definition of a refugee or a stateless person. These procedures may be considered efficient if they respect the safeguards and principles contained in UNHCR's *Handbook on Procedures and Criteria for Determining Refugee Status* and related UNHCR *Guidelines, policy notes and procedural standards*.

Purpose Why is it useful?

A person becomes a refugee or a stateless person at the moment when he or she meets the criteria laid out in the definitions of a refugee and a stateless person as contained in the 1951 and 1954 Conventions. This would occur prior to the time at which his/her status is formally recognized during a status determination procedure.

The efficiency of the status determination procedure is important as this procedure grants legal status to persons of concern. This status gives them access to identity documents and

2.13

also to rights and services. It is the key to an adequate multi-sectoral response to the needs of victims and survivors of abuse and violence. Their legal status protects asylum-seekers, refugees and stateless persons from many threats to their security (such as arbitrary expulsion and detention, or from being sent to situations where they would be subjected to torture, or inhuman or degrading treatment or punishment). It also protects asylum-seekers and refugees from *refoulement*. An efficient status determination procedure also permits UNHCR and States to identify individuals who, although meeting the criteria of the definition (of a refugee or a stateless person) are excludable on specific grounds from the international protection extended by the 1951 and 1954 Conventions. The proper identification and exclusion from protection and assistance of such individuals helps to maintain the civilian character of camps and settlements and improve the security of persons of concern. Efficient status determination procedures help to reduce tensions and conflict, spread of rumours as well as incidences of protests and demonstrations among persons of concern.

Description of the response

Guiding considerations

- Status determination procedures may be conducted on an individual or group basis. In the latter case, each member of a group is considered *prima facie* to be a person of concern (a refugee or stateless person) in the absence of a proof to the contrary. The group approach is usually adopted in situations of mass influx of refugees, when the assistance needs are urgent, when it is practically impossible to undertake an individual RSD, and where objective country of origin information is available which indicates that members of the group could be considered individually as refugees.

- A status determination procedure takes place in two stages. It is first necessary to ascertain the relevant facts of the case. Then the relevant legal definition(s) for a refugee or stateless person must be applied to the facts ascertained.
- The legal definitions of both refugees and stateless persons contain **inclusion** clauses, that define who is to be considered as a refugee or a stateless person, and **exclusion** clauses, that define which individuals who though meeting the inclusion criteria are nevertheless ineligible for the legal status in question.
- Where armed elements and combatants are present, decision-makers (whether from UNHCR or a State) need to be well trained on application of the exclusion clauses. Their application should be monitored closely by UNHCR.
- Irrespective of whether your Office conducts mandate refugee status determination procedure or merely monitors the national refugee status determination procedure, SOPs should be developed and put in place that outline the roles and responsibilities of each relevant actor. They are an essential safeguard against abuses (harassment, corruption, intimidation, abuse of power, etc.) to which persons of concern may be exposed in the course of refugee status determination.
- By means of a sub-project agreement, train and assist national or international NGOs to provide free legal aid services to applicants during status determination procedures.

2.13

Minimum standards for efficient status determination procedures

You may need to intervene with the authorities on a case-by-case basis, or advocate with them to change legislation and practice, or

improve UNHCR's mandate RSD, to reach the following minimum standards for efficient status determination procedures.

- All adult applicants (male and female) should be personally interviewed. Monitor individual interviews regularly and intervene as necessary.
- All applicants should receive information about the procedure and subsequent decisions in a language which they understand. Interpreters should be provided during their status determination procedure.
- All claims should be examined by a single central, specialized decision-making authority.
- There should be a single decision-making procedure in which a person's eligibility for refugee status and his or her eligibility for other complementary forms of protection should be examined at the same time.
- Decision-makers should have access to accurate, impartial and up-to-date country of origin information from a variety of sources.
- Special procedures should be adopted for applicants with specific needs (for example, victims of torture or SGBV, unaccompanied and separated children, LGBTI persons, etc.).
- All applicants should have a right to an effective remedy. A crucial safeguard in this respect is the effect of the appeal. Appeals should be suspensive, i.e. they should suspend the execution of the negative decision reached in the first instance. The appeal body should be independent of the body that took the original (first instance) decision.
- Interviewers and interpreters of the applicant's sex should be made available to him or her.
- Decision-makers should be trained and qualified.

- UNHCR should have consultative status (at the least) in national status determination procedures.

Example (hypothetical example based on real experiences)

The Asylum Affairs Department conducted RSD in country A and managed an accommodation centre for asylum-seekers. State Border Guards were responsible for initial processing of asylum claims (i.e. RSD applications and interviews), but also for the deportation of rejected asylum seekers, and had the power to refuse entry and immediately return the asylum-seeker. They could detain asylum-seekers for 7 days, without court permission. Access to territory and to national RSD were the main challenges. UNHCR had no national presence. There was extremely limited availability of free legal aid. Modalities of appealing the negative decisions of border guards were unclear. In this situation, forcible return was very likely to occur, in violation of the *non-refoulement* principle, exposing asylum seekers to possible persecution, torture or inhuman or degrading treatment or punishment.

UNHCR maintained regular contact with the Government and had regular access to reception and detention centres. Since 2008 UNHCR has been also regularly invited by State Border Guards to participate in training sessions on asylum and refugee matters. Administrative judges have been given the opportunity to participate in a number of international conferences, including events organized by the International Association of Refugee Law Judges. The new Asylum Law, drafted with technical comments from UNHCR, provides that the Ministry of Interior, the Asylum Affairs Department and State Border Guards cooperate with UNHCR in all matters concerning persons of concern. It also foresees that when examining an asylum application they shall consider the opinion of UNHCR.

Further considerations

- Recognition as a stateless person is not a substitute for acquisition of nationality. In the case of stateless persons *in situ* (who consider themselves to be already “in their own” country), who have a realistic prospect of acquiring citizenship in the near future, it may be inappropriate to conduct a statelessness determination procedure if that would delay the durable solution, i.e. granting of nationality.
- If your Office conducts mandate RSD, issue a standard time-limited Asylum Seeker Certificate to all registered applicants and their registered family members or dependants. If you consider that this is not appropriate in your operational context, and that you should adopt other measures, first seek the advice of your Bureau and DIP. Issue a standard UNHCR Refugee Certificate to those whose refugee status under UNHCR’s mandate has been recognized.
- Take steps to explain the form and significance of the Asylum Seeker Certificate and Refugee Certificate to relevant authorities in the host country, and request the authorities to recognize and accept them. Both these documents indicate clearly that the holders should be protected, in particular against forcible return (*refoulement*).
- If your Office does not conduct mandate RSD, advise asylum-seekers on how to apply for asylum through the national RSD, and refer them for further counselling and representation to an available free legal aid provider, if one exists.
- You may have grounds to believe that an asylum-seeker has a justified fear of seeking asylum through the national RSD. In such a case, although your Office does not conduct mandate RSD, you may be required to conduct one, sometimes in parallel to the national RSD. Be careful, however, not to undermine the

national RSD in the process and explore all options to accommodate the legal, physical and other protection needs of such asylum-seekers in cooperation with the national authorities. Consult the IOM/039/2006 – FOM/039/2006 of 21 April 2006 and seek the guidance of your Bureau and RSD Unit at DIP.

- See also the following Responses: *Adherence to International Norms and Standards in Law and Practice*; and *Ensure Registration and Documentation*.

Further references

- UNHCR, *Expert Meeting – Statelessness Determination Procedures and the Status of Stateless Persons (Summary Conclusions)*, December 2010. At: <http://www.unhcr.org/refworld/docid/4d9022762.html>.
- UNHCR, *Expert Meeting – The Concept of Stateless Persons under International Law (Summary Conclusions)*, May 2010. At: <http://www.unhcr.org/refworld/pdfid/4ca1ae002.pdf>.
- UNHCR, *Global Consultations on International Protection/Third Track: Asylum Processes (Fair and Efficient Asylum Procedures)*, 31 May 2001, EC/GC/01/12. At: <http://www.unhcr.org/refworld/docid/3b36f2fca.html>.
- UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, January 1992. At: <http://www.unhcr.org/refworld/pdfid/3ae6b3314.pdf>.
- UNHCR, IOM/039/2006 – FOM/039/2006 *When to Undertake Individual Refugee Status Determination (RSD) in UNHCR's Protection Activities and Operations – Some Guiding Considerations*, 21 April 2006, IOM/039/2006 – FOM/039/2006 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/44b264374.html>.

- UNHCR, *Manual on Mandate Refugee Status Determination (RSD) – A Reference Tool for UNHCR Adjudicators*, 1 October 2005 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/438c17194.html>.
- UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 20 November 2003. At: <http://www.unhcr.org/refworld/docid/42d66dd84.html>.

2.14

Ensure Registration and Documentation

Definition What is it?

Registration is the recording, verifying, and updating of information on persons of concern, for the purpose of protecting and documenting them and implementing durable solutions. The registration of a person recognizes that he or she is of concern, or may potentially be of concern to the host State and UNHCR.

Purpose Why is it useful?

Adequate registration, including the issuance of documentation, is an essential prerequisite for the effective legal and physical protection of refugees, asylum-seekers and stateless persons, and in some circumstances other persons of concern such as IDPs. Acknowledged and recorded identity of persons of concern permits them to have access to multi-sectoral support and services. It protects them from security threats such as *refoulement*, arbitrary arrest and detention. The registration process also ensures that each family member is independently recognized, which has important implications, particularly for women and children. Accurate registration of children helps to protect them against certain specific risks (such as forced recruitment), ensures family unity, and facilitates family reunification (where children are unaccompanied or separated). Early and proper identification and registration of persons of concern reduces the incidence of multiple registration and the use of fraudulent identity documents, particularly for the purpose of obtaining additional relief items. It also helps manage expectations, and so diminishes the possibility of tensions and conflict, spread of rumours, and mass disturbances amongst persons of concern. States, UNHCR and their

2.14

operational partners require reliable population data in order to allocate resources, to monitor delivery, and evaluate the impact of their interventions.

Description of the response

Guiding principles

- Registration should be a continuing process to record essential information for as long as a situation of displacement persists, such as demographic and status changes in the population of persons of concern (births, deaths, new arrivals, departures, cessation, naturalization, etc.).
- The registration process should respect principles of confidentiality. Some information may be shared with relevant counterparts, for specific and legitimate purposes. Ensure at all times that the physical safety and protection of individuals and their family members, as well as their privacy, are not compromised by accidental, unlawful or unauthorized disclosure of personal data. Relevant guidance can be found in UNHCR's *Confidentiality Guidelines*.
- The registration process should to the extent possible be easily accessible and should take place in a safe and secure location. Mobile registration should be organized to reach persons with limited mobility (including individuals who are detained, hospitalized, elderly, or unable to pay for transport to registration locations).
- Registration should be conducted in a non-threatening, non-intimidating, and impartial manner, with due respect for the safety and dignity of persons of concern.
- Personnel conducting the registration, including where necessary the persons of concern, should be adequately trained, include sufficient number of female staff, and have clear instructions on the procedures and

requirements for registration, including the need to protect confidentiality. Special measures should be taken to ensure the integrity of the registration process.

- In principle, refugees and asylum-seekers should be registered on an individual basis with the following basic information being recorded: identity document and number, photograph, names, sex, date of birth (or age), marital status, special protection and assistance needs, level of education, occupation (skills), household (family) size and composition, date of arrival, current location and place of origin.
- *The Handbook for Registration*, September 2003 describes the recommended registration process which consists of several steps that should be followed in every operational context, to the extent possible.

Physical safety

The physical safety of refugees should be your paramount consideration when carrying out registration and documentation activities in practice. With this in mind, you should:

- Assess the security context, including the timing of the registration, the political climate and any potential disruptions.
- Select an area to conduct registration which is free from threats to personal safety and to which the registration team (UNHCR staff or national authorities) have unimpeded access. Security officers (FSA, UN/UNDSS or government authorities) should assess the registration site and offer recommendations for improvements.
- Discuss anticipated registration activities with national authorities and national or international security forces.

2.14

- Establish clear procedures for managing the movement and number of persons of concern at the registration site.
- Introduce or enhance regular security measures at the registration site. Ensure that enough adequately trained or briefed security personnel (FSAs, national or international security forces) are present. Maintain a reserve of security forces that can be deployed to the site as reinforcement.
- You may need to defer or suspend registration for security reasons, or to avoid mixing the population of persons of concern with armed elements moving back and forth across the border.
- Do not carry out registration activities if doing so may put at risk the safety or security of persons of concern.
- Deal quickly and fairly with cases of disorderly behaviour.

Measures to minimize anxiety and fraud

- Involve, consult with and inform persons of concern regularly, in simple and plain terms, about the process and outcome of registration. Disseminate information via the media, and community and mass information campaigns. Always inform persons of concern how long they will have to wait. Ensure that you have available sufficient communication equipment (megaphones, loudspeakers). Post information on the registration period, and opening hours, in visible locations, translated into languages which persons of concern understand.
- Depending on your operational context, you may need to consult or involve the local community in efforts to dispel rumours or reduce tension and conflicts that can arise in the context of registration, between persons

of concern and host communities and among groups of persons of concern.

- Involve community leaders and committees of persons of concern. Enlist their help to share information with persons of concern and organize them into manageable groups. Make special provision for the registration of persons of concern with specific needs, such as older persons, persons with a disability, single parents, or individuals who may face specific risks from other persons of concern (such as LGBTI persons or members of minorities).
- Ensure that the registration site has facilities (shade, water, latrines, medical assistance). Allow persons of concern with specific needs to move to the front of the queue.
- Provide clear guidelines, verbally and in writing, to all staff conducting the registration, and to security forces present on what advice and information they may give to persons of concern.
- Devise anti-fraud posters and brochures indicating clearly that all services are free of charge.
- Establish effective complaint procedures that all persons of concern can access easily.

Pre-registration of large populations

- Organize the reception and fixing of the population (using wristbands, tokens or visible or invisible ink).
- Tokens may serve as food tickets or ration cards until registration can be completed.
- Keep in mind that you should maintain or enhance family unity, in all actions.
- Identify persons with specific needs, in particular those with legal and physical protection needs, at the earliest stage of registration.

2.14

Registration interview

- Photograph all persons of concern and determine and record the family or household composition and relationships.
- Interview all adult individuals, as well as unaccompanied and separated children, and record the data of the interview in a pre-formatted or computerized registration form, on the spot. Privacy and confidentiality are essential to building confidence between the person of concern and the interviewer. Interview room arrangements should ensure these. To obtain accurate information, members of the same family or household may have to be interviewed separately.
- All adult persons of concern should verify the content of the registration form, and should sign it. If they are willing, they should be asked to give their written consent to sharing their personal data with clearly identified external parties for specific and legitimate purposes.
- Indicate clearly to all persons of concern who do not agree to share their data that in certain circumstances, and in accordance with its *Confidentiality Guidelines*, UNHCR may nonetheless be obliged to share basic bio-data with host governments. (This is required in cases of assisted voluntary repatriation, for instance.)
- Issue identity documents to persons of concern. These often provide protection against many security threats (such as harassment, arbitrary arrest and detention, and *refoulement* and arbitrary expulsion). They also facilitate their freedom of movement and access to rights and services.
- Remember that States have the primary responsibility for registration and for the issue of identity documents to persons of concern.

- In large populations and camp environments you may also issue entitlement documents (e.g. ration cards). These give access to food and non-food assistance and services, and are issued on family or household basis.

Verification and deregistration

- Registration data should be kept up-to-date. This is also why registration should be continuous rather than periodic.
- When a person ceases to be a person of concern, deregister the individual and recall and invalidate any identity or entitlement document that has been issued to her or him.
- Deregistration is a protection issue. Protection staff should develop criteria for it. As a first step, UNHCR protection staff and the Head of Office should decide whether, taking account of all the circumstances, a person should no longer be considered of concern to UNHCR and should be de-registered.

Data management and protection

- Put in place a data management system. Determine the registration tools (forms) and database to be used; how records are to be entered and filed; how existing data will be updated; and the statistical reports required for the operation.
- Take measures to protect personal data of persons of concern in accordance with international standards, for example by restricting access to data in physical or electronic form and supervising data sharing scrupulously. Safeguards are necessary to protect the integrity of personal data, reduce the possibility of misuse of recorded information, and prevent abuse that might put the security of persons of concern at risk.

2.14

- Coordinate with operational partners to avoid duplication of registration and to minimize the risk that the security of data might be breached.

Example (hypothetical example based on real experiences)

In 2007 UNHCR in country A launched a strategy that sought to address all three durable solutions in a holistic manner, while preventing *refoulement*.

UNHCR moved from a system of periodic to a system of continuous registration and undertook a large scale registration/verification exercise. Registration clerks employed by IPs conducted registration and organized voluntary repatriation. The process was supervised by UNHCR and took place on UNHCR premises. UNHCR selected and trained the clerks, on proGres, community services, protection and registration, and the Confidentiality Guidelines. Child Protection Officers were engaged by UNHCR to facilitate registration of children, who provided training on interviewing children during registration. Where large numbers of separated and unaccompanied children needed to be registered, UNHCR also engaged a Best Interests Determination specialist.

Different vulnerable groups were identified in proGres. Some offices developed special lists for some identified vulnerable groups. The biggest measurable achievements were: staff became more confident that the identities of persons of concern were accurately recorded, and staff had better information about the number of refugees in the country.

Further considerations

- Several levels of registration are applied in different operational contexts. They differ in terms of the data collected and the methodology applied. Detailed guidance on different levels of registration can be found in the *UNHCR Handbook for Registration*, September 2003.
- For guidance on registration data required to conduct RSD, refer to *Procedural Standards for*

Refugee Status Determination under UNHCR's Mandate.

- Apply standardized Specific Needs Codes (SNC) regardless of whether you use UNHCR's standard registration and case management software (proGres). Familiarize all external partners (not only implementing partners) with the principles and purpose of the SNC scheme. You will not be able to use all the codes at the initial stage of registration. Some can be allocated only after interview and after analysis by UNHCR specialist staff (specific legal and physical protection needs, for example, or needs in relation to SGBV).
- The registration and documentation needs of IDPs generally differ from those of asylum-seekers and refugees. Being nationals or long-term residents of the country within which they are displaced, most IDPs possess national identity documents (identity cards for nationals, residence permits for aliens). However, IDPs have specific registration and documentation needs in situations where they are only habitual but not lawful residents, and have therefore been unable to obtain national identity documents.
- Where UNHCR operates assistance programmes, or has a role in planning and facilitating durable solutions, it may register part or all of the IDP population, usually at the household level.
- A limited number of national registration systems are implementing systems undertaking appropriate and accurate identification and registration of stateless persons. UNHCR is providing technical expertise to States involved in this process. For the time being stateless persons are most often registered when they seek legal aid, usually through NGO partners that give legal advice.

- See also the following Response: *Efficient Status Determination Procedures*.

Further references

-
- UNHCR, *UNHCR Handbook for Registration*, September 2003. At: <http://www.unhcr.org/refworld/docid/3f967dc14.html>.
 - UNHCR, *Global Consultations on International Protection/Third Track: Practical Aspects of Physical and Legal Protection with Regard to Registration*, 19 February 2001, EC/GC/01/6. At: <http://www.unhcr.org/refworld/docid/3bfa82464.html>.
 - UNHCR, *IOM/071/2001 – FOM/068/2001 Confidentiality Guidelines*, 1 August 2001, IOM/071/2001 – FOM/068/2001 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/3be17dfd4.html>.
 - UNHCR, *IOM/083/2010 – FOM/083/2010 Policy on biometrics in refugee registration and verification processes*, 20 December 2010, IOM/083/2010 – FOM/083/2010 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4d0f593e2.html>.
 - UNHCR, *Model agreement on the sharing of personal data with Governments in the context of registration*, August 2009. At: <http://www.unhcr.org/refworld/docid/4a54bbf80.html>.
 - UNHCR, *Operational Standards for Registration and Documentation*, December 2007. At: <http://www.unhcr.org/refworld/docid/4ae9ac8f0.html>.
 - Inter-Agency, *Guidance on Profiling Internally Displaced Persons*, November 2007. At: <http://www.unhcr.org/refworld/docid/47b5ad3a2.html>.
 - UN High Commissioner for Refugees, *IOM/028/2007 – FOM/030/2007 Guidance on the Use of Standardized Specific Needs Codes*, 3 April 2007, IOM/028/2007 – FOM/030/2007 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/48ef08842.html>.

Definition
What is it?

Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them, as refugees with permanent residence status. The status provided ensures protection against *refoulement* and provides the resettled refugee and his or her family or dependants access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.

Purpose
Why is it useful?

- Resettlement under UNHCR auspices is an invaluable protection tool to meet the specific needs of refugees whose life, liberty, safety, health or fundamental human rights are at risk in the country in which they sought refuge.
- Emergency or urgent resettlement may be necessary to ensure the security of refugees who are threatened with *refoulement* to their country of origin or whose physical safety is seriously threatened in the country in which they have sought refuge.
- Resettlement is also a durable solution for refugees, alongside the other durable solutions of voluntary repatriation and local integration.
- Resettlement can be a tangible expression of international solidarity and a responsibility sharing mechanism: it allows States to help share responsibility for refugee protection and mitigate the burden carried by the country of asylum.

Description of the response

Identification of refugees in need of resettlement

- While resettlement is not a right, refugees who have particular need of resettlement should have access to the process in a timely manner. Efficient and transparent identification of refugees for resettlement consideration is an essential element of all round refugee protection.
- Assessment involves data gathering from a variety of sources, followed by analysis. Sources of data include reports, registration or profiling documents, direct observations of UNHCR staff in the course of regular field visits, dialogue and interviews with refugees, systematic studies of the situation of specific sub-groups of the population, and information provided by government and non-governmental partners, visiting experts, and community representatives. The use of *Heightened Risk Identification Tool* (HRIT) and establishing effective internal and external referral systems will help to identify refugees who are vulnerable or at risk and in need of resettlement.

Preconditions for resettlement consideration

- The applicant is determined to be a refugee by UNHCR.*
- The prospects for all durable solutions have been assessed, and resettlement is considered to be the most appropriate.

* Exceptions may be made for stateless persons who are not refugees, for whom resettlement is considered the most appropriate durable solution; and for certain dependent family members who are not refugees, in order to preserve family unity.

Resettlement submission categories

To have their case submitted to a resettlement country, refugees must meet the requirements for submission under one or more of the following resettlement submission categories:

- Legal or Physical Protection Needs of the refugee in the country of refuge: including immediate or long-term threat of *refoulement* to the country of origin, or expulsion to another country from where he or she is at risk of *refoulement*; a threat of arbitrary arrest, detention or imprisonment; a threat to his or her physical safety or to fundamental human rights in the country of refuge, rendering asylum untenable.
- Survivors of Torture or Violence. The person of concern has experienced torture or violence either in the country of origin or the country of refuge, such that: he or she experiences lingering physical or psychological effects and where repatriation or the conditions of asylum may result in further traumatization and/or heightened risk; or where appropriate treatment is not available.
- Medical Needs, in particular life-saving treatment that is unavailable in the country of refuge. Most refugees with medical needs will not require or qualify for resettlement under this category. It is important to determine the nature of the medical need and what possibilities exist for treatment in the country of asylum before resorting to a resettlement submission.
- Women and Girls at Risk, who have protection problems particular to their gender, and lack effective protection normally provided by male family members. They may be single heads of families, unaccompanied girls or women, or be together with their (male or female) family members. Refugee women or girls may be at risk of or have suffered a wide range

of protection problems, such as: expulsion or *refoulement*; sexual violence, including “corrective” rape of women perceived to be lesbians; physical abuse or violence, including intimidation; torture; extreme economic hardship or marginalization; lack of integration prospects; community hostility; different forms of exploitation.

- Family Reunification when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents.
- Children and Adolescents at Risk. The person of concern may or may not be an unaccompanied or separated child and he or she has compelling protection needs which are not addressed in the country of asylum and a best interests determination supports resettlement.
- Lack of Foreseeable Alternative Durable Solutions. This is generally relevant only: when other solutions are not feasible in the foreseeable future; when resettlement can be used strategically; and/or when resettlement can open possibilities for comprehensive solutions.

Resettlement priority levels

UNHCR resettlement submissions have three levels of priority: emergency, urgent, and normal.

- Emergency priority applies to cases where, for security or medical reasons, removal is necessary within a few days, if not within hours. Submissions of emergency cases must only be made after a thorough assessment of both refugee status and the urgency of removal.
- Urgent priority applies to cases where conditions require expeditious resettlement, within six weeks of submission. These refugees have serious medical conditions or other vulnerabilities.

- Normal priority applies to the majority of cases where the conditions are not such that it is necessary to expedite the resettlement process.

Limitations of resettlement

All countries have a duty to provide protection to and ensure the safety of refugees on their territory and at their borders. UNHCR's responsibility is to intervene with the authorities of the country of refuge to ensure that such protection is provided. Only if all means of intervention have been exhausted (or at least evaluated), should resettlement based on individual protection needs be considered.

While UNHCR has an obligation to protect refugees, including, where necessary, by promoting their resettlement, resettlement is not automatic. The decision to accept a refugee for resettlement remains with the resettlement country, not UNHCR. Resettlement is available to only a small number of refugees (80,000 places offered by resettlement countries yearly) and resettlement needs outpace available places.

Further considerations

- Wherever possible, refugees who have emergency or urgent resettlement needs should be resettled expeditiously, and go directly to their country of resettlement. However, this is not always feasible. UNHCR has established Emergency Transit Facilities (ETF) in Romania, the Slovak Republic and the Philippines, to which refugees can be transferred temporarily while their applications for permanent resettlement in a third country are being processed. The procedure for such cases is outlined in UNHCR's *Guidance Note on Emergency Transit Facilities*.
- Resettlement activities are particularly vulnerable to fraud because of the benefits they offer. Safeguards are therefore essential at each

stage of the resettlement process to ensure its integrity and credibility. All resettlement activities must meet basic standards, regardless of the field context to ensure a level of global harmonization, transparency and predictability in resettlement delivery, and to mitigate the risk of fraud.

- It is essential to manage expectations in the context of resettlement. When they possess little information about the conditions on resettlement, and its limits as a durable solution, persons of concern may develop unrealistic expectations. They may become extremely anxious; tensions can eventually express in protests or violence. To manage expectations, it is therefore important to provide accurate and timely information about particular resettlement opportunities, but also to dialogue regularly with refugee leaders and individual refugees about all forms of protection that are available and about all durable solutions, as well as resettlement.
- If one family member is being considered for resettlement (on protection grounds), UNHCR will seek to ensure, where possible and in line with the principle of family unity, that all the refugee's family members, including dependent non-nuclear family members, are resettled together.
- Resettlement should not be pursued because individual refugees have become a burden, or because of their behaviour, or solely in response to actions they have taken to draw attention to their demands (for example, demonstrations, hunger strikes, or violent or aggressive action against staff). Individuals who engage in such conduct may or may not have concerns that need to be addressed; at all times, however, resettlement should be considered purely on the merits of each case.

Further references

- UNHCR, *UNHCR Resettlement Handbook*, July 2011 Edition. At: <http://www.unhcr.org/4a2ccf4c6.html>.
- UNHCR, *Guidance Note on Emergency Transit Facilities: Timisoara, Romania / Manila Philippines / Humenné, the Slovak Republic*, May 4, 2011. At: <http://www.unhcr.org/refworld/docid/4dddec3a2.html>.
- UNHCR, *The Heightened Risk Identification Tool*, June 2010, Second Edition, at: <http://www.unhcr.org/refworld/docid/4c46c6860.html>; *User Guide* at: <http://www.unhcr.org/refworld/docid/46f7c0cd2.html>.
- UNHCR, *Policy and Procedural Guidelines: Addressing Resettlement Fraud Perpetrated by Refugees*, March 2008. At: <http://www.unhcr.org/refworld/docid/47d7d7372.html>.
- UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008. At: <http://www.unhcr.org/refworld/docid/48480c342.html>.
- UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, 2011. At: <http://www.unhcr.org/refworld/docid/4e4a57d02.html>.

Definition
What is it?

UNHCR's livelihood programmes aim to protect the skills and productive assets that persons of concern possess, and build the capacities they might need in a new environment. Livelihood assets include individual skills and work experience (human capital); land and working animals (natural capital); savings, rents and remittances (financial capital); equipment (physical capital); and formal and informal support groups and networks (social capital). Livelihood programmes also seek to enhance livelihood opportunities in refugee hosting areas and areas of return, by promoting access to employment (wage labour) and self-employment (business), both for people of concern and local communities. This is done mainly by building institutional capacity and advocacy.

Purpose
Why is it useful?

UNHCR encourages self-reliance to protect and strengthen the livelihood skills and options of men and women who are persons of concern. Self-reliant persons of concern can lead active and productive lives and build strong social, economic and cultural ties with their host communities.

By creating wealth and economic activity, and thereby increasing individual dignity and the delivery of services, livelihood interventions help to build and reinforce social cohesion between persons of concern and between persons of concern and local communities. This may reduce tensions and conflict within communities, and also the incidence of domestic violence, exploitation, human trafficking and smuggling. In addition, effective livelihood programmes decrease the dependency of persons of concern on humanitarian assistance.

Description of the response

Analysis and decision-making

- Livelihood interventions must be informed by detailed assessments of socio-economic groups they seek to help, and tailored to fit the capacities, needs and interests, as well as the protection and security risks, of households and individuals of the target group.
- On the basis of socio-economic assessments, draft a multi-year strategic plan, which sequences each step of the intervention, taking account of changes in the local market, and in the producers' capacities and attitudes to work, investment and hiring.
- Involve development agencies, public and private sector institutions, and civil society organizations in the strategic planning process and in generating support for the project. Assess the roles, mandates, capacities, project interests, etc. of different stakeholders to ensure that the sequencing and coordination of interventions are efficiently managed.
- Bring in specialized skills, where required, to make sure that livelihood support projects are designed and implemented well, drawing on UNHCR's staff as well as seconded staff and cooperation with specialized organizations.

Guiding principles

- Adopt an area-based approach to livelihood programming. Enhance the capacity of local institutions and invest in local development plans, making visible the contributions which the project can make to the host community. Include host communities in livelihood interventions and projects, as much as feasible. Take steps to make sure that persons of concern are not perceived to compete with local businesses, as a result of livelihood interventions.

- Contribute to local development plans, or national poverty reduction strategies, and operate in accordance with national employment legislation and policy.
- Complement livelihood interventions with advocacy and policy dialogues. Encourage the authorities to enable persons of concern to exercise their right to work, for example obtaining the required work permits, or having open access to employment and technical support (agricultural and veterinary services, for example).
- Promote access to existing services rather than create parallel facilities. Consider in particular: financial institutions, business training and development services, formal technical and vocational training institutes, agricultural and veterinary advice, and (more generally) local traders and enterprises.
- Ensure that livelihood support interventions are sustainable and conflict-sensitive, in terms of their impacts on the environment and on social relations between people of concern and between people of concern and host communities.

Components of a comprehensive programme

The main objectives of livelihood support programmes in a displacement context are: to protect and strengthen people's livelihood skills and options; and to create an environment that is conducive to safe and productive livelihoods. Objectives and activities can be grouped under three heads:

- ***Livelihood provisioning.*** Interventions have a direct and immediate effect on people's socio-economic well-being, and seek to reduce vulnerability. Their objectives are to:
 - Meet basic needs by providing in kind goods such as food aid or cash.

- Minimize expenditure by providing basic services and goods, free of charge or subsidized by cash or vouchers.
- ***Livelihood protection.*** Interventions have a direct short- or medium-term effect on people's socio-economic well-being. They help people to increase or diversify their sources of income, and prevent negative coping strategies. The objectives are to:
 - Help people recover or protect their livelihood assets (by subsidized production support, cash or vouchers for work, community contracting for infrastructure repair or construction, conditional grants for micro-business development).
 - Help people adapt to new environments (for example by providing local language training, life-skills, documentation, legal and employment counselling).
 - Build or improve people's livelihood assets and strategies over the medium-term (for example, by providing targeted vocational and technical skills training for agricultural production, construction work, or crafts, or training in service delivery or entrepreneurship, and access to microfinance).
- ***Livelihood promotion.*** Interventions have an indirect and medium to long-term effect on people's socio-economic well-being. They facilitate access to the labour market and create an enabling environment for economic activity in the host or return area. Their objectives are to:
 - Improve people's access to key institutions, markets and services (by building capacity, and investing in training institutions, production infrastructure, financial services, trade cooperatives, and community-based organizations).

- Improve people's access to information (services, communications skills) and knowledge (entitlements, obligations and rights).
- Promote policies that are favourable to economic activity, provide access to work, and protect rights, etc.

A sound livelihood support programme will combine provisioning, protection, and promotion activities and short-, medium-, and long-term objectives that are mutually reinforcing. Programmes supporting livelihoods help people of concern to find decent work and make use of economic opportunities, without fear of being economically exploited, harassed by police, or obliged to undertake dangerous or illegal work.

Example

Omalo, an isolated village in Georgia with a significant population of refugees (displaced from neighbouring Chechnya), offered no income generating activities. In 2008 a craft workshop was created to make bed linen, mattresses, prayer carpets, prayer gowns, dresses, and other products, the demand for which local producers could not meet. Refugee and local women collaborated in the project and relations between the host community and refugees improved.

Further considerations

- See also the following Responses: *Access to Essential Services and Basic Needs*; *Local Integration*; and *Coexistence Measures*.

Further references

- UNHCR, *A Practical Guide for Advocating for the Right to Work for refugees*, 2011 (forthcoming).
- UNHCR, *Cash in hand. Urban refugees, the right to Work and UNHCR's advocacy activities*, 2011. At: <http://www.unhcr.org/refworld/docid/4e4b75ed2.html>.

- UNHCR, *Handbook for Planning and Implementing Development Assistance for Refugees (DAR) Programmes*, January 2005. At: <http://www.unhcr.org/refworld/docid/428076704.html>.
- UNHCR, *Handbook for Repatriation and Reintegration Activities*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd1194.html>.
- UNHCR, *Investing in livelihoods: A Practical Guide for Microfinance Interventions in UNHCR Operations*, 2011 (forthcoming).
- UNHCR, *Livelihood Options in Refugee Situations. A Handbook for Promoting Sound Agricultural Practices*, 2002. At: <http://www.unhcr.org/406c2fae7.html>.
- UNHCR, *Livelihoods: Operational guidelines for livelihood programming in UNHCR operations*, 2011 (forthcoming).
- UNHCR, *Livestock-Keeping and Animal Husbandry in Refugee and Returnee Situations. A Practical Handbook for Improved Management*, 2005. At: <http://www.unhcr.org/4385e3432.html>.
- UNHCR, *Refugee Operations and Environmental Management: Key Principles for Decision-Making*, 1998. At: <http://www.unhcr.org/refworld/docid/42a01f1b4.html>.
- UNHCR, *Promoting Livelihoods and Self-reliance: Operational Guidance on Refugee Protection and Solutions in Urban Areas*, 2011.
- Minimum Economic Recovery Standards, A SPHERE companion handbook, SEEP Network, 2010. At: <http://communities.seepnetwork.org/econrecovery/node/821>.
- Women's Refugee Commission, *Building Livelihoods. A Field Manual for Practitioners in Humanitarian Settings*, 2009. At: http://www.womensrefugeecommission.org/docs/livelihoods_manual.pdf.

Definition
What is it?

Local integration has a legal, social and economic dimension. It can be promoted by projects that enable persons of concern and local communities to obtain: legal status (residency or nationality); access to services (health, education, technical support; finance); livelihood opportunities (employment or business); or support for housing and other infrastructures.

Purpose
Why is it useful?

Providing durable legal status for persons of concern helps to end displacement, and prevent further displacement. Local integration programmes reduce tension and conflict and contribute to peaceful coexistence between persons of concern and host communities. They also empower women, in particular women at risk, including victims and survivors of various forms of abuse and violence.

Quick impact projects (QIPs) can advance integration rapidly in an area, while longer-term activities are being planned.

Description of the response
Guiding principles

- Governments and UN agencies should include and consult persons of concern when they plan and develop projects, from the onset of displacement. Ensure all actors are represented, in a balanced manner, from the start of local integration programmes.
- A variety of stakeholders (including NGOs, community-based and civil society organizations, universities, local economic and trade bodies, as well as representatives from host communities) can help to promote inclusion of areas that host persons of concern in national and local development plans.

- Before starting a local integration programme, assess the situation and context. Review the recent history; consider social, cultural, economic, political and legal trends; and evaluate security threats that might obstruct efforts to increase inclusion.
- To increase understanding of policy and technical issues, create a forum for sharing views and gathering advice on proposed projects: including the programme's design and objectives; policy and technical issues; practical solutions, resources and synergies; the programme strategy; and its effective coordination, monitoring and implementation.
- Consult the Field Safety Adviser about security threats that have been identified in consultation with the host community and persons of concern.
- Consult the local community and persons of concern about socio-economic problems, to establish a sense of shared ownership, and strengthen support for the project to promote its success and sustainability.
- Consider impacts on surrounding areas and changes in the community. A programme that is included in national development and integration strategies is preferable to one that stands alone.
- Make sure that integration projects have clear objectives so that their impact can more easily be measured.

Steps to be taken

- Identify where skills need to be acquired to manage and implement the programme, and provide the training required. Involve a variety of actors and donors, because a range of skills, knowledge and experience will be required. Give attention to coordination and planning, and

the links between activities that are mutually reinforcing.

- Identify and mobilize resources, as required.
- Work with the government as a main partner, to strengthen coordination, planning and information-sharing for the integration of project strategy as well as for the inclusion of persons of concern into existing programmes and structures.
- Identify and develop interest with potential stakeholders. Agree with them on a final design of the programme or associated projects. The design should incorporate the views of stakeholders (persons of concern, host community, local authorities, national government, etc.).
- Public accountability and transparency should not be forgotten in any integration programme.

Quick Impact Projects (QIPs)

- QIPs are small projects, rapidly implemented, that: create the conditions for reaching durable solutions for refugees and returnees; strengthen community participation; generate opportunities for small-scale rehabilitation and longer-term development; and strengthen the absorptive capacity of target areas while meeting urgent community needs. By benefiting all members of a community they can make a significant contribution to reconciliation, and the social and economic inclusion of groups with special needs in development projects.
- Three main categories of QIPs can be distinguished: QIPs that focus on social benefits; QIPs that focus on economic benefits; and QIPs that focus on coexistence. These are not mutually exclusive categories and a well-designed QIP will bring benefits in all three areas.

- For QIPs that focus on economic benefits it is crucial to identify investments that will rapidly trigger socio-economic activity in the community, alongside sound medium- and long-term investment opportunities.
- QIPs should form part of an overall recovery and development strategy. Communities, local authorities, development agencies and local NGOs should be involved from the planning stage. UNHCR and implementing partners should understand and be familiar with local and national development actors and their programmes.
- Successful QIPs combine many elements, such as: training (skills and business training); technical assistance (complementary business support services); a policy and consultation forum (to review and reach agreement on proposals); and links with micro-finance services (credit, grants and leasing).

Example

In Ivanovka, one of the most multicultural communities in rural Kyrgyzstan, the UNHCR team decided that further support for local integration was needed. A project was developed in 2008 to expand the pre-school and open a public bathhouse for villagers.

The school's extension gave teachers as well as pupils more space. Thanks to the new bathhouse, villagers did not have to travel to neighbouring villages to wash. Both projects diminished potential tension between the different communities living in Ivanovka.

Further considerations

- Any local integration project should take advantage of local experience and expertise, available resources and assets, and draw on mutual interests and priorities, traditional forms of cooperation, and cultural understanding.
- See also the following Responses: *Livelihoods*; and *Access to Essential Services and Basic Needs*.

Further references

- UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern*, 16 September 2003, EC/53/SC/INF.3. At: <http://www.unhcr.org/refworld/docid/4ae9ac93d.html>.
- UNHCR, *Quick Impact Projects (QIPs). A Provisional Guide*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd5a44.html>.
- UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, March 2008. At: <http://www.unhcr.org/refworld/docid/47da54722.html>.

Community Awareness and Mass Information Campaigns

Definition What is it?

Community awareness campaign

Community awareness campaigns can educate and sensitize persons of concern about issues that affect them, or pose a threat to them or to their community. They are an effective protection instrument.

An awareness campaign is most effective when it provides immediately useful advice, or conveys clearly the benefits of a programme or a situation for individuals, families, or the larger community. Messages should be clear and concise, accessible to all members of a community (including persons with disability), and cognisant of the cultural, social and environmental norms of the target audience. Campaigns increasingly pay attention to context and link traditional media and behaviour change strategies with on-the-ground community action to deepen support within the social policy environment for the campaign's objectives.

Mass information campaigns

These relay information to part or a whole population, using a wide range of media, including radio and television broadcasts, video, print, hotlines, performing arts and cultural events, SMS messaging and social websites, etc.

Purpose Why is it useful?

Community awareness campaigns use community mobilization to reinforce actions and activities designed to prevent specific threats. They can bring the community together around issues, and increase community ownership and action, and thereby help to build and sustain processes of change.

Mass information is an invaluable protection tool for the safety of persons of concern and staff. The overall objective of a UNHCR mass information campaign must be to provide persons of concern with objective information that permits them to make informed decisions about matters of relevance to them, and the wider community, and provides them with objective information that increases tolerance and cooperation. Mass information campaigns can also help to counter false information or rumours directed by parties or individuals at persons of concern or otherwise being spread amongst persons of concern. Objectives might include: to promote reconciliation, tolerance and acceptance; to provide information on potential threats (SGBV, human trafficking, landmines, UXO and IEDs, etc.); and more generally to educate and inform persons of concern.

Description of the response

Decision-making and process

- Before commencing a community awareness campaign, consider the protection and operational concerns, ethical issues and political pitfalls, in addition to budgetary issues and constraints. This process will assist in the decision as to whether it is necessary or appropriate to launch a community awareness campaign
- Set clear objectives and expected outcomes of the awareness campaign. Seek required assistance from communications experts in HQ and at the regional level.

Guiding principles of community awareness campaigns

- Prevention. Consider adopting a community-based and AGD-sensitive approach in order to affect long-term sustainable change. Prevention involves addressing the root

causes of a problem, and changing widely held assumptions and attitudes.

- **Holistic Engagement.** A community awareness campaign seeks to gain the support and participation of the whole community or targeted audience. To create momentum for change, engage with a cross section of the community, focusing on key sectors of the community to begin with. Changing norms is a long-term process that must eventually be led by members of the community and inspire activism beyond the life span of the project.
- **Exposure to ideas and messages.** Disseminate ideas and messages in the community over a prolonged period, using a variety of media and sources (posters, pamphlets, murals, radio programme, community information meetings, information sheets, workshops, etc.). Repeated exposure to ideas and messages that reinforce one another can significantly influence perceptions and affect behaviour.
- **Human rights and refugee law.** Awareness campaigns should respect and promote the broader human rights and justice framework.
- **Advocacy.** Awareness campaigns that are based on an understanding of how ideas and communities can evolve naturally are significantly more effective than campaigns that seek to influence the community more haphazardly.
- **Evaluation.** It is vital to evaluate. Develop an evaluation process that makes it possible to determine whether the campaign met its objectives, reached its intended audience, was within budget, and used correct tools. Impact evaluations can also capture long-term signs of behaviour change and more general outcomes.

Steps to be taken

- Identify specific current threats to the community (from trafficking, domestic violence, exploitation, mines/UXO, etc.). In addition identify: factors that are likely to increase the community's exposure to risks; persons of concern most at risk; the coping capacity and adequacy of different actors to respond; and the availability of formal and informal mechanisms.
- Develop communications strategies and media packages for specific operational situations and targeted objectives.
- Via awareness campaigns, encourage the target audience to involve themselves in achieving specific campaign objectives. Provide guidance and information enabling them to do so.
- Distribute material and information to the various community groupings and invite them to participate in any activity organized to inform them about the campaign topic.
- Facilitate public discussion and dialogue by supporting the work of community groups working on the issue. Engage in public information activities in conjunction with other partners.
- Develop relevant and useful indicators and methods for evaluating project activities against objectives.

Guiding principles of mass information campaigns

- The target audience should be clearly defined.
- Campaign information should be objective and factually correct. Key messages should be prioritized, and expressed simply in terms the target audience can understand.
- The campaign should be flexible and should be adaptable to changing circumstances.

- Campaigns should be based on sound knowledge of the target community, gained by regular and sustained communication based on an AGD approach.

Steps to be taken

- Undertake a situational analysis.
- Determine the campaign communication objective and define the target audience.
- Determine the media you will employ.
- Establish a timeline for your communication work which describes each production stage, each communications opportunity, events and milestones.
- Include an evaluation component so that the strategy can be reviewed and revised when required to facilitate change and adaptation.

Further considerations

- Awareness campaigns can be undertaken on many issues (mines/UXO, domestic violence, sexual violence, harmful traditional practices, *refoulement*, exploitation, etc.), using a variety of media and education materials. These should be developed in consultation with all stakeholders (such as government and local authorities, police, judicial officials, persons of concern, NGOs, mine action experts, etc.), as required.
- In the context of the threat of human trafficking, the campaign should take account of persons who are trafficked into “forced marriages” or bonded labour markets, where applicable.
- See also the following Responses: *Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes*.

Further references

- UNHCR, *IOM/042/1998 – FOM/045/1998 Mass Information Activities*, 26 May 1998, IOM/042/1998 – FOM/045/1998 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/431827304.html>.
- UNHCR, *IOM/092/1999 – FOM/092/1999 Contacts With the Media*, 30 September 1999, IOM/092/1999 – FOM/092/1999 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/431828564.html>.
- UNHCR, UNHCR Communications Service, *Communications Strategy Template*, January 2009 [internal].
- UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, March 2008. At: <http://www.unhcr.org/refworld/docid/47da54722.html>.
- Hieber, Loretta, *Lifeline Media: Reaching populations in crisis. A guide to developing media projects in conflict situations*. Media Action International, 2001. At: http://www.unisdr.org/files/636_10303.pdf.
- Howard, Ross, *An Operational Framework for Media and Peacebuilding*, IMPACS, 2002. At: http://www.humansecuritygateway.com/documents/Impacs_opframewkmedia.pdf.
- Michau, Lori and Naker, Dipak, *Mobilising Communities to Prevent Domestic Violence. A Resource Guide for Organisations in East and Southern Africa*, Raising Voices, 2003. At: <http://www.raisingvoices.org/publications.php>.

Definition
What is it?

Coexistence measures are projects, activities and initiatives that build or restore relationships between different ethnic, religious or social groups, based on mutual trust, respect and recognition of each other's diversity. They are applied in pre-conflict, conflict and post-conflict situations. The concept was initially developed to facilitate the reintegration of persons of concern on their return. Coexistence measures are now applied in UNHCR's work with all persons of concern (refugees, IDPs and stateless persons), in urban and camp contexts, and in host countries and countries of origin. They can be implemented by means of specific projects or incorporated in other protection and programme activities and projects. They are applied as part of conflict prevention and management programmes; post-conflict and conflict transformation work; multicultural and pluralism initiatives; and programmes designed to promote confidence building, peacebuilding, and reconciliation.

Purpose
Why is it useful?

Coexistence measures alleviate or help to prevent tensions within a community by addressing the root causes of conflict (with surrounding communities or among and within communities of persons of concern), such as, sharing access to scarce resources, ownership of land, and ethnic, tribal, racial or religious differences. They are a response to tensions and conflicts between groups of persons of concern and host communities and groups of persons of concern themselves, and also substantive threats, such as plundering, attacks, demonstrations and disturbances, verbal harassment, and spread of rumours.

Description of the response

Guiding principles

When devising coexistence projects always rely for guidance on *UNHCR Provisional Programme Guide on Coexistence Projects* (internal). The common guiding principles, such as Age, Gender and Diversity mainstreaming, rights and community-based approaches, and “do-no-harm” apply in all coexistence measures. Key guidelines generally include:

A participatory approach

- Involve persons of concern from the outset.
- Strengthen the capacity of communities of persons of concern (and of host communities, when relevant) to engage in coexistence measures.
- Engage all actors, partners and stakeholders in planning and implementing coexistence measures, and (if possible) monitoring and evaluating them. This will help promote local ownership and sustainability, after UNHCR disengages.

Conflict sensitivity

- Undertake a threat assessment of your operational context and update the assessment regularly.
- Include clear objectives and desired outcomes in your country or regional operations plan.
- Make adjustments to coexistence measures and your plan, as circumstances change.

Steps to be taken

- Identify coexistence related gaps (problems) which will help you identify objectives, target populations and activities.
- Collect information on the social, economic, cultural and political context and on the

infrastructure in your area of operation. Assess any on-going or potential conflicts.

- Update regularly the information collected. Incorporate the findings of relevant external international or local research. Give attention to relevant anthropological or sociological insights. Draw on professional experience of and expertise in peacebuilding, where it is available.
- Design specific coexistence measures. Set realistic outcomes. Security threats are triggered by a wide variety of factors, many of which simply UNHCR cannot influence.
- Coexistence measures do not yield immediate results. Impact is not always quantifiable. Plan long-term and seek support from development actors (such as UNDP, the World Bank, the European Bank for Reconstruction and Development).
- Rely on local implementing partners (as appropriate) to access the communities. Local communities and communities of persons of concern are often highly politicized, traumatized and unwilling to communicate openly.
- Prepare a plan for UNHCR's disengagement.
- Work with the authorities and non-State actors (as applicable and appropriate) at all relevant levels. Their involvement is crucial, particularly in cases where national reconciliation or justice processes are ongoing, and where coexistence initiatives should complement national efforts.
- Apply, monitor and evaluate the coexistence measures.

Types of coexistence measures

Social activities and special events

- Public events are valuable tools for diffusing tension and creating bridges between communities.

- UNHCR may need to directly implement them; alternatively, it can promote them, fund them (through IPs), monitor their implementation or simply encourage staff to participate in such activities.
- Events may include: sport (for example, football tournaments); literary readings; exhibitions; concerts; short plays; summer camps; organized visits to museums or exhibitions; visits to hospitals, etc.
- All the above coexistence measures have been used at various times to build confidence, enhance local integration, create a safer host environment for persons of concern, and to facilitate reintegration in countries of origin.
- In highly tense and politicized situations, they can give access to otherwise inaccessible regions of the host country.
- In urban contexts, youth clubs can also facilitate relationships between different groups of persons of concern.

Building confidence between police and security forces and communities

- Develop (to the extent feasible) a community policing strategy that will facilitate interaction, communication, coordination and cooperation between persons of concern and host communities and law enforcement authorities.
- Elements of such strategies might include:
 - Cultural sensitivity training for police and security forces and persons of concern.
 - Field or mobile offices that offer services related to civil registration, personal documentation and naturalization to persons of concern, particularly to returnees and IDPs who may be stateless or those at risk of statelessness.
 - Regular meetings between community leaders and police.

- Participation in community social affairs by police and security forces and persons of concern.
- The encouragement of a commitment to transparency by police and security forces. (The police might appoint joint teams to plan initiatives to address issues of concern, for example.)

Assistance projects (often community-based activities)

- These interventions aim to create immediate and visible benefits for host communities and persons of concern, and may include the following:
 - Rehabilitation or construction of community infrastructure (wells, roads, schools, community halls, irrigation channels, grain stores).
 - Rehabilitation or protection of natural resources (via tree planting schemes, land restoration projects, etc.).
 - Quick Impact Projects to achieve fast results.
 - See also the Responses on: *Livelihoods* and *Local Integration*.

Example

In 2007 in Burundi, UNHCR facilitated the reintegration of refugees within a context of mass return. UNHCR worked with the Government's Land Commission to resolve land disputes, by identifying and redistributing misappropriated land. In parallel it provided mediation training to representatives of local communities (local leaders, returnees and vulnerable groups), so they could manage potential conflicts arising from land issues. "Peace villages" have been established to house landless returnees and IDPs. Overall the programme helped to create conditions conducive to a more peaceful return process.

Further considerations

- In some contexts, State authorities may consider that local authorities themselves represent a security threat. Where this is so, do not involve local authorities or traditional leaders visibly in your activities. Involve them, rather, in serious consultations on issues, policies and strategies that affect the security of persons of concern.
- In politically sensitive situations, make public use of external research cautiously, because it may reveal information that conflicts with official version(s) of the truth.
- Proceed with caution when devising coexistence measures in the context of internal conflicts or post-conflict situations where the parties have not yet reached a political agreement to end the hostilities. Be aware at all times that UNHCR operations may be perceived to support one party rather than another. You should ensure that UNHCR is neutral and perceived to be so. Under the close supervision of the Representative, give staff members clear guidance on whether they should have contacts with different actors and, if so, at what level(s). UNHCR staff and programmes need to provide a consistent message at all times. Share the guidance, in writing, with all staff and discuss it. The UNHCR Representative will play a key role in ensuring that UNHCR, and UNHCR staff, are neutral, in fact and appearance.

Further references

- UNHCR, *Handbook for Planning and Implementing Development Assistance for Refugees (DAR) Programmes*, January 2005. At: <http://www.unhcr.org/refworld/docid/428076704.html>.
- UNHCR, *Policy Framework and Implementation Strategy: UNHCR's Role in Support of the Return and Reintegration of Displaced*

Populations, August 2008. At: <http://www.unhcr.org/refworld/docid/48c628d42.html>.

- UNHCR, *Quick Impact Projects (QIPs). A Provisional Guide*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd5a44.html>.
- UNHCR, *UNHCR Handbook for the Protection of Women and Girls*, January 2008. At: <http://www.unhcr.org/refworld/docid/47cfc2962.html>.
- UNHCR, *UNHCR Policy on Refugee Protection and Solutions in Urban Areas*, September 2009. At: <http://www.unhcr.org/refworld/docid/4ab8e7f72.html>.
- UNHCR, *UNHCR Provisional Programme Guide on Coexistence Projects*, 1 March 2010 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4d11f65c2.html>.
- UNHCR, *UNHCR's Engagement in the Peacebuilding Fund (PBF)*, March 2010 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4d11f77c2.html>.

Deployment of Security Personnel in Assistance to UNHCR Operations

Definition What is it?

This topic covers decisions to deploy law enforcement personnel in support of the government's provision of security and protection for persons of concern. Security is primarily the responsibility of the host government. The State's security obligations are recognized under international law and flow from its responsibility to maintain law and order within its borders.

Purpose Why is it useful?

This topic reviews some significant field security relationships and implementation mechanisms that respond to the threats addressed in this Manual. It focuses specifically on the deployment of security personnel to assist UNHCR and persons of concern. It provides some guidelines on the use, development and maintenance of security programmes.

Description of the response

Decision-making and process

- Through the security risk assessment process, evaluate actual or potential threats, in and outside camps and settlements, to persons of concern, UNHCR staff, and partners.
- Based on the above analysis, identify what security forces can do to mitigate, or address threats that have been identified. Consider *inter alia*: securing areas of return; providing regular policing of camps; responding effectively to potential and anticipated security incidents.
- Confirm the need to deploy security forces.
- Determine the security force structure, and its composition, deployment and positioning, in consultation with persons of concern, the

community, relevant Ministries (Defence, Justice, Interior), local security officials, and (where applicable) international security institutions (DPKO, EUFOR, NATO). Decisions should be based on the security tasks and locations that have been agreed.

- Consider establishing Community Watch Teams or Zone Wardens (with civilian status) to work with the local police and law enforcement personnel in camps and settlements.
- Evaluate the cost and resource requirements of deploying additional security personnel, given budgetary provisions and the probable need for an assistance package for the police.
- Prepare and agree a formal Memorandum of Understanding (MOU) with central government, or negotiate a more informal regional or local agreement at the highest available level, notably if security personnel will be deployed for long periods (one or two years, for example). It may also be possible to include in such agreements the modalities covering deployment in emergencies or periods of crisis.
- In the context of such arrangements, the specific duties and modalities of operation of the force that will be deployed should be outlined. Headings that should be covered include: the size of the force; its responsibilities; how officers will be held accountable; operational performance targets; reporting obligations; rules of engagement; the length of deployment; promotion of the UNHCR Code of Conduct; and a formal procedure for addressing cases of mistreatment or exploitation of persons of concern by the security forces.
- Determine a budget for the deployment which should include an assistance package component for the police.

Guiding principles

- It may not on occasion be possible within UNHCR's remit to determine in detail the character or scale of the security presence in camps and settlements. Staff should nevertheless understand the types of security personnel present and their terms of reference (composition, mandate, structure, roles and responsibilities, etc.), and under what circumstances they can be requested to provide support and assistance.
- In general, SOPs should establish mechanisms for the deployment of security personnel, based on the operational situation and an analysis of actual and potential threats to the security of persons of concern and staff. Deployment may be sought, for example: during registration, screening and RSD processes; when grievances are presented; when there is a risk of protests or demonstrations; or when security escorts are required to protect refugee or returnee convoys from banditry or criminal attack, etc.
- UNHCR should establish a point of contact with the security force commander (or manager) to ensure effective and regular communication. (Daily contact is advised, particularly during emergencies or in periods of insecurity.) UNHCR may initially be required to act as an intermediary, when security personnel have no previous experience of working with persons of concern. Regular meetings with all parties should also be organized.
- Engagement with or approaches to non-State actors may need to be considered in certain locations, enabling channels of communication to remain open and available.
- UNHCR should liaise regularly with government counterparts regarding the determination on deployment of security personnel and, when doing so, should take account of the

range of request options that may need to be considered. They include: local police forces; the military; government officials; and the SRSG/UN Police Commissioner, Force Commander, and General Commanding Officer if international forces are present.

- Security personnel should receive sufficient training to enable them to fulfil their duties in a professional and efficient manner. Training should give attention to: relevant principles of refugee, humanitarian and human rights law; procedures that apply to persons of concern; UNHCR's mandate; and standards of operational performance and effectiveness in matters of security.

Further considerations

- To establish a sound security strategy, it is essential to examine thoroughly the overall security environment: to assess the incidence and pattern of violations; the profile of perpetrators; the willingness and capacity of authorities to fulfil their protection responsibilities; the organizational capacity and social organization of persons of concern; gender, age and other relevant factors that may increase the vulnerability of persons of concern, etc.

Further references

- UNHCR, *A Comparative Review of Refugee Security Mechanisms*, 2004.
- UNHCR, *Lessons learned from the implementation of the Tanzania security package*, 2001. At: <http://www.unhcr.org/3b30a9d24.html>.
- UNHCR, *Operational Protection in Camps and Settlements. A Reference Guide of Good Practices in the Protection of Refugees and Other Persons of Concern*, June 2006. At: <http://www.unhcr.org/refworld/docid/44b381994.html>.

- UN Office for the Coordination of Humanitarian Affairs (OCHA), *United Nations Civil-Military Coordination Officer Field Handbook*, March 2008. At: <http://www.unhcr.org/refworld/docid/47da7da52.html>.

2.21

Presence and Effectiveness of Police in Camps, Centres and Settlements

Definition What is it?

Police working in camps, collective centres or urban settlements must have sound training to discharge their duties effectively and responsibly. They should understand that their role is that of service delivery to persons of concern. UNHCR assists and supports police in delivery of this service, in order to protect persons of concern and its staff.

Purpose Why is it useful?

To maintain law and order, and the civilian character of camps and collective centres, an appropriate level of security is necessary. It is important to ensure that an adequate police presence is at hand to protect persons of concern. It may be required under certain circumstances to increase their number, for example at periods of crisis or during a mass influx or when threat and risk levels are high. Through assistance and training, the effectiveness of the police working directly with persons of concern will be enhanced, giving them a better understanding of the context in which they work and giving them the appropriate tools to deal with specific issues affecting persons of concern. The central objective of this intervention is to enhance service delivery, accountability and responsibility.

Description of the response

Decision-making and process

- Following a decision to deploy security personnel, prepare and agree a formal Memorandum of Understanding (MOU) with central government, or negotiate a more informal regional or local agreement at the highest available level. The Memorandum

should seek to provide adequate and effective policing services for the safety and security of persons of concern.

- Undertake a Joint Assessment and Verification, to assess and determine the safety and security needs of persons of concern, the material needs of police personnel, and the responsibilities and accountability of all parties. This assessment should inform the content of the MOU or informal agreement. The agreement should also outline operational needs and expectations, and terms of implementation. Provision for review should also be addressed.
- Training should be considered, under UNHCR's auspices. The design, development, delivery and review of the training package will need to be agreed internally and externally. (The host authority will normally expect to make at least a cursory review.) Induction, in-service training, and the creation of a reference manual for use by the police after deployment also need to be considered.

Guiding principles

- Liaise regularly with senior police officers and the appropriate Ministry on all issues relating to police deployment, and the effectiveness of the deployed force before, during and after deployment.
- Prepare a Memorandum of Understanding with the government outlining the specific duties of the police and their operational terms of reference. Matters that should be covered include: the size of the force; its responsibilities; how officers will be held accountable; operational performance targets; reporting obligations; rules of engagement; the length of deployment; promotion of the UNHCR Code of Conduct; and a formal procedure for addressing cases of mistreatment or exploitation of persons of concern by the security forces.

- Following deployment, the police will (almost) always be under the overall command of the most senior officer based in the area of deployment. Liaison and a solid understanding with this individual should make it possible to deal with problems that arise (mechanisms for managing complaints and allegations against the police, rapid reinforcement of police if security deteriorates or an incident occurs in a camp or settlement, etc.).
- It is sensible to become familiar with the Police Penal Code (which sets out police rules and regulations) and the Criminal Law Statutes.

Steps to be taken

- Assess the need to deploy police, taking into account the situation and context, the presence of threats in and outside camps and collective centres, and the need to police camps regularly, secure areas of return, and manage protests and demonstrations. In light of this analysis, determine the scale and forms of policing that are necessary. Discuss and agree with government how your objectives can be achieved.
- Accept or seek police deployment. Consult with senior police management and the relevant line Ministry agreement in principle for the deployment of police to camps, collective centres or urban settlements.
- MOU. Establish an MOU or informal agreement to determine the resource allocation requirement by each party, how the police will be deployed and used, and how they will operate, report and review. (The issue of monetary incentives, in practice a daily subsistence allowance, should be carefully negotiated, given that UNHCR will in most cases provide accommodation, equipment and other facilities to the police at the site.) The MOU may be drafted by the Joint Assessment

Team or, if deployment precedes this, by the FSA in consultation with the UNHCR Protection Unit and government authorities. The MOU is normally signed by the UNHCR Country Representative and the responsible line Minister or an alternative government nominee. In some cases it may also be signed by the Commissioner of Police.

- Joint Assessment and Verification is complementary to the establishment of a MOU. The Joint Team usually comprises UNHCR (FSA and Protection), senior police management, and line Ministry representative(s). UNHCR should take the lead in this initiative. The team essentially addresses all issues applicable to the deployment, operations and responsibilities of the police. The gender composition of the force can also be agreed in this forum.
- Training. The decision to conduct training should be taken in consultation with the police. The context and situation should determine the content and organization of training, which should also take into account the experience and knowledge of the officers deployed.
- Elements of training that are likely to be relevant include: laws and procedures applicable in the host country; UNHCR's and IP's mandates and work; international standards and procedures with regard to persons of concern; refugee and human rights law (an introduction); crime prevention and response strategies; treatment of persons in custody; policing protocols; investigation and reporting; SGBV; responding to the needs of persons of concern who are traumatized.
- Training should be delivered collaboratively, by the Field Safety Section, Protection, Community Services, and Field, with input from IPs. Ongoing in-service training should be provided to the police, if they are deployed for a period of one year or more. Prior to

departure, an evaluation of experience and performance should be undertaken. Support and participation of senior police officers (when possible) will enhance the acceptance of the training.

- Training for senior police officers should also be considered.

Example (hypothetical example based on real experiences)

In country A, in 2007 it was decided to review a MOU that governed the deployment of police in the refugee camps, as the quality of service delivered by the police had significantly deteriorated since its introduction.

Police Managers at Commissioner level and senior representatives of the line Ministry participated with UNHCR in this joint review. Issues reviewed included police responsibilities, conditions, accountability, DSA payment, management of UNHCR assets, operational modalities, the professional and personal behaviour of police officers, and mechanisms for addressing malpractice and abuse.

The review resulted in enhanced police performance. Accountability and service delivery to the refugees improved, DSA payments were stabilized, conditions for the police within the camps were enhanced, UNHCR assets were managed by the police more effectively, and a joint system of redress for police malpractice was introduced.

Further considerations

- Although the provision of security is primarily a responsibility of the host government, the government may be unable or unwilling to provide it in an effective manner.
- Simply increasing the numbers of police will not necessarily mean that the security of persons of concern will improve. The experience and knowledge of police officers may be less than desired. In most cases, officers will require

training, monitoring and an assistance package, through UNHCR.

- To achieve change, you will need to secure the full cooperation of the government and senior police management. Without this, positive and sustainable change is unlikely to occur.
- See also the Responses on: *Training on Human Rights, Refugee and International Humanitarian Law; Deployment of Security Personnel in Assistance to UNHCR Operations; Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR) Programmes; and Coexistence Measures.*

Further references

-
- UNHCR, *A Comparative Review of Refugee Security Mechanisms*, 2004.
 - UNHCR, *Operational Protection in Camps and Settlements. A Reference Guide of Good Practices in the Protection of Refugees and Other Persons of Concern*, June 2006. At: <http://www.unhcr.org/refworld/docid/44b381994.html>.
 - Crisp, Jeff, *Lessons Learned from the Implementation of the Tanzania Security Package*, EPAU/2001/05, May 2001. At: <http://www.unhcr.org/3b30a9d24.html>.
 - Durieux, Jean-François, *Preserving the Civilian Character of Refugee Camps: Lessons from the Kigoma Refugee Programme in Tanzania*, Track Two, vol. 9, no. 3, November 2000. At: http://www.ccr.uct.ac.za/archive/two/9_3/p25_preserving_civilian.html.
 - SEESAC, *Philosophy and principles of community-based policing*, 2006.

Internal Relocation and Safe Houses

Definition What is it?

Internal relocation is the transfer or movement of a person of concern, or group of persons of concern, from one location to another safer location, always within the host country, in response to a threat to their personal security. It is an immediate response rather than a permanent solution. Safe houses are facilities to which a person of concern is internally relocated (sometimes within the same refugee camp or settlement), where he or she can be physically protected for a limited period of time. Persons of concern can also be relocated to other locations and premises in the host country, be it of individual or group nature which, although assessed as “safe”, do not offer structured facilities in the form of safe houses.

This topic does not consider the internal flight or relocation alternative, a concept applied in the context of refugee status determination.

Purpose Why is it useful?

Internal relocation provides an immediate, mid- or sometimes long-term response to an imminent security threat or insecure environment that puts at risk the physical safety of persons of concern. It physically removes persons of concern from the proximity of the threat and ensures their immediate safety and security. It is likely to be considered when the life and personal safety of persons of concern are threatened, *inter alia* by: sexual and domestic violence; human trafficking; unlawful killings; kidnapping or abduction; gang violence; prolonged protests and demonstrations; tensions and conflicts; arbitrary arrest, detention and imprisonment; to prevent *refoulement* or arbitrary expulsion; abuse of power, including harassment and intimidation; when the civilian

character of camps and settlements has been compromised; and in general to protect from any form of physical violence and attack.

Description of the response

Guiding principles

Long-term strategy

- What length of relocation is envisaged? What exit strategies are available that would end this temporary response measure in an appropriate timeframe?
- What is the longer-term strategy for the individuals whose security is threatened?
- What is the preferred durable solution for the person(s) at risk, taking account of the circumstances and all the information that is available?

Location considerations and access to rights

- Assess the safety of the site proposed for relocation. Its physical safety should be assessed by government security officials, if this is appropriate, or UNHCR's Field Safety Advisers.
- Are facilities or people available at the relocation site to provide the support and protection that the persons of concern need? Do they need to be strengthened by UNHCR or its (implementing) partners? If yes, is the support required operational or financial as well? If UNHCR's financial support is required, for how long can it be provided?
- Will the location where the person(s) of concern will be relocated, enhance or jeopardize the prospects of finding a durable solution (voluntary repatriation, local integration or resettlement)?
- Together with all UNHCR partners, ensure that persons who have been internally relocated have access to basic services and that their essential needs are met. When a particular

service is not available at the site of relocation (whether a safe place or a safe house such as a shelter centre), consider whether the person of concern needs safe transport to a provider of that service. Government security officials or the Field Safety Adviser would need to accompany him or her.

- Try to preserve family unity. This will not be possible in cases where the threat is from a family member (for example, a spouse). Under certain circumstances you may need to consider internal relocation for both nuclear and extended family members.

Share information and obtain consent

- Advise the person(s) of concern on the situation and available options.
- Internal relocation cannot take place without the informed consent of persons of concern who are offered relocation.

National authorities

- Relevant national authorities should be notified about the planned relocation, in advance and in full confidentiality. Note that in certain refugee and IDP situations this would not be appropriate. The identity documents of the person(s) of concern, issued by the authorities or by UNHCR, should reflect the change of address. Action should be taken jointly with the national authorities or by UNHCR independently (as appropriate in the circumstances).
- Depending on the source of the threat, and as deemed appropriate in light of all circumstances, government security and law enforcement officials may be asked to ensure the personal safety and security of the person who is relocated, during their transfer or by taking appropriate measures at the site of relocation. The involvement of government security officials should be determined on a case-by-case basis.

Decision-making and process

Individual Internal Relocation

- UNHCR staff (Protection Staff and Field Safety Advisers) should decide whether internal relocation is appropriate (to a safe house or elsewhere), provided the person in question consents, and when relocation should occur.
- Depending on the circumstances, the number of persons involved, the origin of the threat, and available options, it may be necessary and advisable to consult with local authorities and make use of existing structures (alternative accommodation premises, safe houses, shelter centres).

Group Internal Relocation

- The agreement and authorization, as well as the support of local authorities (e.g. provision of escort to the convoy) is necessary before UNHCR can consider transferring or relocating a large number of persons of concern.

Safe houses

- Although their use is recommended only as a measure of last resort, safe houses are increasingly common practice in UNHCR's field operations, used mainly to protect victims and survivors of SGBV.
- The ownership, management and operation of safe houses vary greatly from context to context. Running them poses specific challenges, notably: restricted freedom of movement for residents; reduced access to services; separation from family members; stigmatization; difficulties of reintegration into the community of persons of concern.
- Set-up a multi-sectoral Safe House Panel composed of protection, programme, community services and field safety staff. Involve other partners as needed.

- The physical security of the safe house should be assessed by government security officials (for example, the local police) in close consultation with UNHCR's Field Safety Adviser. Security decisions made by Safe House Panels should draw on the advice of Field Safety Advisers.
- If government or NGO-run safe houses exist, which are assessed to be appropriate, reliable and safe, negotiate access to them for persons of concern.
- Be aware that the visible presence of UNHCR staff at safe houses may put at risk the safety of relocated persons of concern.
- Establish SOPs to regulate management of the safe house and define the services that it will provide. Encourage government and NGO partners to establish SOPs for safe houses that they run independently.
- See also the Responses on: *Referral Mechanisms and Standard Operating Procedures as a Response to Security Threats*.

Example (hypothetical example based on real experiences)

Refugee camps along the border of the host country with the country of origin were the target of 44 attacks or incursions by rebel groups between January 1995 and June 1996. These attacks caused the unlawful killing of at least four refugees and the abduction of fifteen others.

UNHCR advocated that at least vulnerable individuals should be relocated to a safer location inside the host country.

Seven of the refugee camps in one province were consolidated in a safe site. A similar exercise was planned for the six camps in another province. Despite several further attacks and incursions, some other camps remained in their original location.

Further considerations

- Internal relocation targets persons of concern who cannot move by their own means to a place of greater safety: for example, survivors of trauma and violence, including victims and survivors of domestic violence, sexual violence and harmful traditional practices; persons of concern in a collective settlement in an insecure location in situations of internal or international armed conflict; cross-border attacks on camps and settlements, threats of physical attack, etc.
- It is undertaken when other responses have been exhausted or no alternative is available.
- Consult with local communities and stakeholders before deciding to initiate an internal relocation transfer, i.e. a movement. The agreement of local communities and stakeholders is particularly important in cases of group relocation, because it helps to dispel or remove the risk of a xenophobic response (for example, protests against the construction of camps or collective settlements in new locations, etc.).
- It is preferable to strengthen existing bodies and mechanisms, rather than create new ones, when internal relocation is needed. Alternatively, UNHCR can fund the cost of the relocation through implementing partners (travel, accommodation, support, protection, other services, etc.).
- Many countries have laws that limit the freedom of movement of non-nationals, including persons of concern, in border areas or during periods of emergency. It is of paramount importance to ensure that transfers and relocations are not perceived to have violated such regulations. To achieve this objective, UNHCR and operational partners will normally need to secure the consent in advance of relevant military, law enforcement and other officials of the host country.

- The biggest challenge is that internal relocation (whether individual or collective) provides a temporary, intermediate solution to threats that are often long-term. It is rarely a durable or sustainable solution. Relocating a refugee camp or settlement, providing shelter to a woman at risk of SGBV, or making a safe house available to a refugee leader who is threatened by his or her community: each of these is an example of a temporary response.

Further references

-
- UNHCR, *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.
 - United Nations Department for Safety and Security (UNDSS), *Security in the Field*. At: <http://ocha.unog.ch/drptoolkit/PreparednessTools/Safety/UNDSS/en.pdf>.

Further References

UNHCR, *Code of Conduct and Explanatory Notes, Including the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, ST/SGB/2003/13, June 2004. At: <http://www.unhcr.org/422dbc89a.html>.

UNHCR, *Community Services for Urban Refugees*, 1994. At: <http://www.unhcr.org/refworld/docid/49997b0119.html>.

UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern*, 16 September 2003, EC/53/SC/INF.3. At: <http://www.unhcr.org/refworld/docid/4ae9ac93d.html>.

UNHCR, *Handbook for Emergencies*, February 2007, Third Edition. At: <http://www.unhcr.org/refworld/docid/46a9e29a2.html>.

UNHCR, *Handbook for Repatriation and Reintegration Activities*, May 2004. At: <http://www.unhcr.org/refworld/docid/416bd1194.html>.

UNHCR, *UNHCR Handbook for Registration*, September 2003. At: <http://www.unhcr.org/refworld/docid/3f967dc14.html>.

UNHCR, *Local Integration and Self-Reliance*, 2 June 2005, EC/55/SC/CRP 15. At: <http://www.unhcr.org/refworld/docid/478b3ce12.html>.

UNHCR, *Note on Military and Armed Attacks on Refugee Camps and Settlements*, 10 August 1987, EC/SCP/47. At: <http://www.unhcr.org/refworld/docid/3ae68cce0.html>.

UNHCR, *Note on the Protection of Refugees in Armed Conflict Situations*, 4 October 1982, EC/SCP/25. At: <http://www.unhcr.org/refworld/docid/3ae68cbc18.html>.

UNHCR, *Operational Protection in Camps and Settlements. A Reference Guide of Good Practices in the Protection of Refugees and Other Persons of Concern*, June 2006. At: <http://www.unhcr.org/refworld/docid/44b381994.html>.

UNHCR, *Protection Guidelines Relating to Refugee Security*, 3 May 1999. At: <http://www.unhcr.org/refworld/docid/4124bee54.html>.

UNHCR, *Resettlement Fraud: A Tool to Help Offices Assess Their Exposure and Vulnerability*, 20 October 2006 [internal]. At: <http://swigea56.hcrnet.ch/refworld/docid/4ad300d12.html>.

UNHCR, *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, May 2003. At: <http://www.unhcr.org/refworld/docid/3edcd0661.html>.

UNHCR, *The Security, Civilian and Humanitarian Character of Refugee Camps and Settlements: Operationalizing the “Ladder of Options”*, Executive Committee of the High Commissioner’s Programme, Standing Committee, EC/50/SC/INF.4, 27 June 2000. At: <http://www.unhcr.org/refworld/pdfid/4a54bc040.pdf>.

UNHCR, *UNHCR Handbook for the Protection of Women and Girls*, January 2008. At: <http://www.unhcr.org/refworld/docid/47cfc2962.html>.

UNHCR, *UNHCR Tool for Participatory Assessment in Operations*, May 2006, First Edition. At: <http://www.unhcr.org/refworld/docid/462df4232.html>.

UNHCR, *UNHCR Code of Conduct. Guidelines for Managers*, 2004. At: http://www.un.org/en/pseataaskforce/docs/code_of_conduct_guidelines_for_managers_english.pdf.

Inter-Agency Standing Committee, *Handbook for the Protection of Internally Displaced Persons*, June 2010. At: <http://www.unhcr.org/refworld/docid/4790cbc02.html>.

Sphere Project, *Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response*, 2004, ISBN 92-9139-097-6. At: <http://www.unhcr.org/refworld/docid/3d64ad7b1.html>.

Credits

Editor: Plain Sense, Geneva

Initial structural design: TACTICS Ltd, Wellington

Printing design and layout: Plain Sense, Geneva

Printing: Imprimerie Centrale S.A., Luxembourg



UNHCR Headquarters
Case Postale 2500
CH - 1211 Genève 2 Dépôt
Switzerland