Workshop: Protection of Forcibly Displaced Populations
Focus on Refugees
June 2020
SESSION PRESENTERS AND STRUCTURE

- Introduction - why this workshop at the Fragility Forum?
- What is protection?
- What is UNHCR’s role?
- What are key protection standards in the different phases of the refugee protection cycle?
- What can partners do to advance protection and improve development and peace outcomes?
INTRODUCTION

UNHCR Global Trends 2020 (1 min 40):
https://www.unhcr.org/globaltrends2019/
79.5 MILLION forcibly displaced people worldwide at the end of 2019

- **26M** Refugees
  - 20.4M Refugees under UNHCR’s mandate
  - 5.6M Palestinian refugees under UNRWA’s mandate

- **45.7M** Internally displaced people

- **4.2M** Asylum-seekers

- **3.6M** Venezuelans displaced abroad

**1%** of the world’s population is displaced

**80%** of the world’s displaced people are in countries or territories affected by acute food insecurity and malnutrition

**73%** Hosted in neighbouring countries *

**68%** Came from just 5 countries *

**TOP HOSTING COUNTRIES**
- Turkey 3.6M
- Colombia 1.8M
- Pakistan 1.4M
- Uganda 1.4M
- Germany 1.1M

**TOP SOURCE COUNTRIES**
- **Syria** 6.6M
- Venezuela 3.7M
- Afghanistan 2.7M
- South Sudan 2.2M
- Myanmar 1.1M

* Data includes UNHCR refugees and Venezuelans displaced abroad

Source: UNHCR / 18 June 2020
• A humanitarian protection challenge
• A development challenge
• A peacebuilding challenge

Requires:
• Simultaneous (not sequential) approaches
• Complementary and Comprehensive effort from the onset
• Learn from each other
• Build synergies
PROTECTION
All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law
International Protection in Practice

• **Admission to Territory/Asylum**
  – including access to refugees, responding with life saving support, ensuring legal stay/registration/asylum procedures, protection against refoulement, and establishing/reinforcing protection systems

• **Protection During Displacement**
  – including safeguarding fundamental human rights, for all with equal access; assessing protection risks and defining responses

• **Durable Solutions**
  – including broadly building better futures

PHYSICAL --- LEGAL ---- MATERIAL
About rights, but also about approaches..

- A rights-based approach
- An age, gender and diversity approach
- A community-based approach
- Accountability to Affected Population
What is community-based protection?

Community-Based Protection is a means of:
(Please select the odd one out)

A. Engaging crisis-affected communities to identify the protection risks of greatest concern to the community
B. Engaging crisis-affected communities to explore the causes and consequences
C. Engaging with crisis affected communities to gather information and for humanitarian/development partners to then identify prevention and response strategies
D. Engaging with crisis affected communities to build on their needs and capacities.
UNHCR and its mandate

UNHCR Statute, Annex, Chapter I
• providing international protection to refugees
• seeking permanent solutions for the problem of refugees
+ Durable solutions and supervisory responsibility:

Statute, Annex, Chapter II article 8
The High Commissioner shall provide for the protection of refugees by:
• ...promoting the conclusion and ratification of international conventions
• supervising their application and proposing amendments thereto.
• ...promote measures to improve the situation of refugees
• ...obtain from the Government information concerning the number and conditions of refugees, and the laws and regulations concerning them
• ....assist to promote voluntary repatriation or assimilation within new national communities
• ...promote the admission of refugees, not excluding those in the most destitute categories, to the territories of States.
"Persons of Concern to UNHCR"

<table>
<thead>
<tr>
<th>Refugees (asylum seekers and returnees)</th>
<th>Stateless Persons</th>
<th>Internally Displaced Populations</th>
<th>Host Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1950 Statute</td>
<td>• 1954 &amp; 1961 Statelessness Convention</td>
<td>• UN GA Resolutions</td>
<td>• 1950 Statute</td>
</tr>
<tr>
<td>• 1951 Refugee convention</td>
<td></td>
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<td>• Global Compact</td>
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<td>• 1967 Protocol</td>
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<td>• Regional instruments</td>
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<tr>
<td>• UN GA &amp; ECOSOC resolutions</td>
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</tbody>
</table>
Who is a refugee?

Well-founded fear

Persecution

On specific grounds

Outside own country

No protection in own country

Compelled to leave

Threats (to life, safety, freedom)

Situational events

Outside own country
The Refugee Protection Cycle

PREVENTION → ADMISSION AT COUNTRY OF ASYLUM → BEING HOSTED BY COUNTRY OF ASYLUM → DURABLE SOLUTIONS
1. Prevention

Addressing **root causes:**
Responsibility of countries of origin and international community;
Requiring cooperation on political, humanitarian, development and peace fronts.

*[Global Compact on Refugees, para 8]*
2. Admission/Access to territory

Right to seek asylum

Non-refoulement

Non-penalization for irregular entry/presence

Aactors involved – duty bearer?
REGISTRATION, DOCUMENTATION AND REFUGEE STATUS DETERMINATION

Identity and Status

Aactors involved – duty bearer?
Question to participants:

• The fact that someone crossed an international border to save his/her life that is threatened by authorities of the person’s country of nationality is enough to consider him/her as a refugee.

  A. Yes, S/he is a refugee because s/he fled to save her/his life
  B. No, S/he must be registered and provided documentation by UNHCR
  C. No, S/he must be registered and provided documentation by authorities of the country where he found refuge
3. Hosted by Country of Asylum

REFUGEE RIGHTS ARE HUMAN RIGHTS
### 3. Hosted by Country of Asylum – minimum standards

<table>
<thead>
<tr>
<th>Same treatment as nationals of the host country</th>
<th>Most favourable treatment provided to nationals of a foreign country</th>
<th>“as favorable as possible” - at least as favorable to that accorded aliens generally</th>
<th>Same treatment as that accorded to aliens generally</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Religion and religious education</td>
<td>• Wage-earning employment</td>
<td>• Own/lease property</td>
<td>• Place of residence</td>
</tr>
<tr>
<td>• Access to Courts, including legal assistance</td>
<td>• Trade Unions and other non-political non-profit association</td>
<td>• Self-employment and practicing a profession</td>
<td>• The right to move freely within the country (except temporarily when unlawfully present)</td>
</tr>
<tr>
<td>• Elementary education</td>
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<td>• Higher education</td>
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<td>• Just and favorable conditions of work</td>
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<td></td>
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<tr>
<td>• Social security</td>
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<td>• Public relief</td>
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<tr>
<td>• Intellectual property</td>
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<tr>
<td>• Taxes and other charges</td>
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<tr>
<td>• Rationing</td>
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**Unconnected standards**: non-discrimination among refugees; acquired civil status; administrative assistance; identity & travel documentation; transfer of assets; non-penalization; non-expulsion; non-refoulement; facilitated integration & naturalization
Where do refugees live?
ACTORS INVOLVED – DUTY BEARER?

Global Compact: Solidarity

Refugees
Host community
Refugee protection institution
UNHCR and partners

National & Local Authorities in host country / country of origin
Line ministries

Private Sector

International Organizations
MDBs
Development partners
Peace partners

Civil Society Partners

Media

Local population / host community

International Financial Institutions
4. Durable Solution:

- Permanent legal status + access to rights at same level as nationals
- Two options
- Can be found in multiple countries through multiple pathways

- Voluntary repatriation to country of origin
- Stay in host country
- Resettle to third country
- Complementary pathway to third country

Reintegration

Integration and naturalization
Protection challenges and risks to consider in development and peacebuilding responses

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Risks</th>
</tr>
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<tbody>
<tr>
<td>High risk of refoulement</td>
<td>Refugee rights not (adequately) secured in law / policies</td>
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<tr>
<td>High proportion of children</td>
<td>Trauma / SGBV</td>
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<td>Negative perception towards refugees (security / job loss etc.)</td>
<td>No access to justice / redress</td>
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<tr>
<td>Lack of implementation of refugee law / policies</td>
<td>Humanitarian services better than services to host community</td>
</tr>
<tr>
<td>High risk of new refugee inflows</td>
<td>High refugee hopes for resettlement – with no places available</td>
</tr>
<tr>
<td>No identity / status documentation</td>
<td>Security / Conflict</td>
</tr>
<tr>
<td>Institutional roles / responsibilities for refugee protection unclear</td>
<td>Refugees hosted in remote areas that are lagging behind</td>
</tr>
</tbody>
</table>
QUESTION

Refugees have been living for more than one decade with host communities in areas that are remote and lagging behind. While designing programs for this region one must:

A. Keep in mind that different standards of treatment must be considered for refugees and host communities and therefore design different programs

B. Prioritize interventions that strengthen existing systems and support access for both populations

C. Avoid regions that are lagging behind because project implementation is always a nightmare
QUESTION

Which development or peacebuilding projects might not be benefitting refugees:

A. Re-building education facilities in a remote village X where there is a refugee camp nearby, to enable access to education to children from that village so as to “leave no one behind”;
B. Supporting professionalization of border control
C. Job creation projects done in a small city near a refugee camp
D. 2 health clinics in village Y which is also hosting refugees
Thank you