

PROTECTION

Reinvigorating the discharge of UNHCR's protection functions as well as its support of the international framework for the protection of refugees has remained a major focus in 2002. The first half of 2002 witnessed the completion of the Global Consultations on International Protection. UNHCR also continued efforts to improve the management UNHCR's resettlement activities; to take action on preventing and responding to sexual and gender-based violence against refugee women and girls; to address problems relating to statelessness; and to contribute to a number of fora focusing on the interface between asylum and migration, as well as human smuggling and trafficking. UNHCR also pursued efforts to improve the protection of internally displaced persons.

GLOBAL CONSULTATIONS

UNHCR launched the Global Consultations on International Protection in order to spur reflection and action to revitalize the 1951 Convention framework, and effectively retool States to address current humanitarian challenges. The first two "tracks" of the Global Consultations were completed in 2001. The third "track", held within the framework of UNHCR's Standing Committee, continued up to mid-2002. The third "track" was structured around a number of protection policy matters, including issues not adequately covered by the 1951 Convention. From 22 to 24 May 2002, the fourth meeting under the third "track" focused on the themes: "The Search for Protection-Based Solutions" (i.e. voluntary repatriation, local integration and resettlement) and "The Protection of Refugee Women and Refugee Children."

Following this meeting, UNHCR completed the drafting of an *Agenda for Protection*, which provides a comprehensive framework for further development of global refugee policy, combining clear goals and objectives

with suggested activities to strengthen refugee protection. The *Agenda for Protection* has six broad goals:

1. Strengthened implementation of the 1951 Convention and 1967 Protocol;
2. Protecting refugees within broader migration movements;
3. Sharing of burdens and responsibilities more equitably and building capacities to receive and protect refugees;
4. Addressing security-related concerns more effectively;
5. Redoubling the search for durable solutions; and
6. Meeting the protection needs of refugee women and children.

At its meeting from 24 to 26 June 2002, UNHCR's Standing Committee examined the *Agenda for Protection* in detail. Delegations agreed that the Global Consultations had indeed served to reflect upon today's protection dilemmas and identify what needed to be done to bolster the international regime for the international protection of refugees. A number of delegations stressed that, while not a legally binding text, the *Agenda* provided an excellent basis for future co-operation on refugee-related matters. After suggesting a number of amendments, the Standing Committee agreed to refer the text, as amended, to UNHCR's ExCom for its endorsement. Consultations will continue during the remainder of 2002 to establish priorities and suggested timeframes for implementation of actions contained in the *Agenda for Protection*.

RESETTLEMENT

UNHCR pursued efforts to strengthen resettlement as a protection tool, a durable solution and a mechanism for improving responsibility-sharing in providing international protection for refugees. The Annual Tri-partite Consultations on Resettlement (ATC), held in Geneva from 18 to 21 June, were attended

by 18 traditional and emerging resettlement countries, 25 NGO representatives, and, for the first time, the European Commission. The meeting focused on a number of major policy issues, such as how to improve the process of identifying refugees in need of resettlement, as well as the integrity of resettlement processing. The meeting explored a number of innovative strategies, including partnerships with NGOs and the early and effective registration of refugees. The meeting also urged UNHCR to increase the number of professional staff working on resettlement activities and stressed the need to better train both UNHCR staff and NGO partners in resettlement matters.

Following the ATC, UNHCR organised a two-day “Workshop on the Resettlement Handbook”, attended by over 40 participants representing States and NGOs, as well as UNHCR. Both the ATC meeting and the workshop provided important inputs for a revision of the Resettlement Handbook, which will be published in the second half of 2002. This revision will include material focussing on preserving the integrity of resettlement processing, by setting global minimum standards for the identification and processing of refugees in need of resettlement, improving planning for resettlement, and addressing fraud in the resettlement process.

PREVENTION AND RESPONSE TO SEXUAL AND GENDER-BASED VIOLENCE

Following allegations, in February 2002, of sexual violence and the exploitation of refugee children in West Africa by humanitarian workers, the High Commissioner announced a policy of “zero tolerance” for such acts and UNHCR began work on an internal code of conduct for all staff. UNHCR has participated in the Inter-Agency Standing Committee Task Force on Protection from Sexual Abuse and Exploitation in Humanitarian Crises, which made rapid progress in outlining an inter-agency code of conduct, as well as a Plan of Action. Discussions will continue on

implementation of the Plan. In April 2002, UNHCR convened a regional workshop in Abidjan for UNHCR staff in West Africa on the theme “Ensuring Effective Protection: Preventing and responding to Sexual and Gender-based Violence”. Twenty-eight UNHCR staff working in Côte d’Ivoire, Guinea, Liberia and Sierra, including a number deployed to UNHCR under the NRC/DRC Emergency Deployment Roster, as well as under the Surge Capacity Project, participated in the event. The participants included colleagues working in protection, community services, and programmes.

STATELESSNESS

In the first half of 2002, budgetary constraints limited UNHCR’s ability to broaden its activities in the field of statelessness. Additional human resources were not allocated to bolster the sole post within DIP designated to focus on statelessness issues. As a consequence, UNHCR could not take advantage of all available opportunities to contribute to the reduction of statelessness or to address individual cases of statelessness – many of which involve women and children who are without a formal legal status. Planned activities were also affected and this, in turn, had an adverse impact on partnerships with other organisations and on ongoing negotiations with States. The Office continued to seek solutions on behalf of stateless persons. Exchanges in Madrid in January 2002 led to proposals for studies on statelessness to be conducted in co-operation with the European Commission in 2003. Partnership with the OSCE was strengthened through a UNHCR briefing on statelessness to the OSCE Permanent Council in Vienna on 17 June. Collaboration with the Council of Europe on the elaboration of a legal instrument concerning statelessness is ongoing. UNHCR lectured on statelessness issues in York University’s (Canada) summer refugee studies programme, which was attended by some 60 practitioners and academics from around the world. In addition, the Office pursued operational activities to address concrete cases, notably

through training sessions in Ottawa on 28 May, which was attended by 35 ministry staff, parliamentarians and practitioners. Two workshops were organised in Ashgabat, and Turkmenabad, Turkmenistan in June. These were attended by over 60 participants. Follow-up workshops will be held during the remainder of the year in Bosnia and Herzegovina, and in Yugoslavia.

INTERNALLY DISPLACED PERSONS (IDPs)

The Department of International Protection (DIP) and the Evaluation and Policy Analysis Unit (EPAU) jointly organised a workshop on the topic of "Protection and Solutions in Situations of Internal Displacement: Learning from UNHCR's Operational Experience" on 16 to 17 May 2002. The workshop brought together 45 participants from UNHCR field offices and Headquarters, representing a wide cross-section of UNHCR operations benefiting IDPs: Afghanistan, Angola, Azerbaijan, Burundi, Colombia, Georgia, The former Yugoslav Republic of Macedonia, Russian Federation, Sierra Leone, Sri Lanka and Yugoslavia. Representatives of other humanitarian agencies (OCHA's IDP Unit, ICRC, IFRC, UNICEF), governmental agencies (DFID and NRC), and other organisations (Commission on Human Security and the Migration Policy Institute) also participated. The broad objectives of the workshop were to: compare UNHCR's operational experience with IDPs in a number of different countries; identify and share examples of good practices, especially in relation to protection activities and the search for durable solutions; examine how UNHCR is implementing the Guiding Principles on Internal Displacement; examine ways in which UNHCR is exercising its mandate for durable solutions in the IDP context; assess the relevance of UNHCR's operational guidelines on IDPs; and identify UNHCR's potential contribution to an inter-agency approach on IDPs, notably through the new UN Inter-Agency IDP Unit in OCHA.

During the first half of the year, UNHCR also worked closely with the new UN Inter-Agency IDP Unit. The Office deployed a senior staff member on a non-reimbursable basis to the Unit and participated in a mission to Sri Lanka, in order to assess the situation of IDPs and the prospects for solutions available to them, following the signature of a cease-fire agreement between the Sri Lankan Government and the Liberation Tigers of Tamil Elam (LTTE). The UN Inter-Agency IDP Unit's mission became part of a broader UN High Level mission to Sri Lanka, dispatched by the Secretary-General to identify how the UN could assist the country in the framework of the cease-fire agreement.

MIGRATION AND ASYLUM

In pursuit of one of the *Agenda for Protection's* broad goals to provide international protection to refugees within broader migratory movements, UNHCR is holding consultations with IOM in the framework of the Action Group of Asylum and Migration (AGAMI), launched as part of the follow-up to the Global Consultations process. AGAMI met in January and May, to exchange views in preparation for the Bali Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (26 to 28 February). In an effort to identify ways to enhance co-operation in implementing the *Agenda for Protection*, analyse available statistical data and discuss a number of other migration/asylum issues, UNHCR contributed to a study on existing international migration law norms, in the framework of the Berne Initiative, a global consultative process launched by Switzerland in June 2001 to strengthen inter-state co-operation on migration management.

In response to the growing phenomenon of large-scale arrivals of immigrants and asylum-seekers by sea, UNHCR and the Migration Policy Institute, in co-operation with the *Fundação Luso-Americana para o Desenvolvimento*, convened a workshop in Lisbon on 25 to 26 March, on the theme of "Rescue-at-Sea: Specific Aspects relating to

the Protection of Asylum-Seekers and Refugees.” It was attended by 33 experts from governments, the shipping industry, international organisations, NGOs and academia. They explored guidelines on rescue-at-sea and disembarkation, and discussed a potential international co-operative framework to sustain the maritime tradition of rescue-at-sea with adequate refugee protection safeguards. UNHCR provided financial support for the organisation of the workshop and funded the travel of a number of participants. In April 2002, UNHCR began to co-chair, with ILO, the IGO Contact Group on Human Trafficking and Migrant Smuggling, to exchange information and strengthen co-operation on issues related to human smuggling and trafficking.