

## RENFORCEMENT DES CAPACITES DE PROTECTION DANS LES PAYS HOTES

### I. INTRODUCTION

1. Le renforcement des capacités de protection dans les pays hôtes a constitué un thème récurrent tout au long du processus des consultations mondiales. Le sujet est complexe et doit être étudié séparément dans la mesure où il sous-tend le succès des démarches pour améliorer la protection dans les domaines dont on discute dans le contexte des consultations mondiales : i) protection des réfugiés dans les situations d'afflux massifs; ii) modalités d'accueil<sup>1</sup>; iii) procédures d'asile justes et rapides,<sup>2</sup> y compris le retour de ceux qui n'ont pas besoin de protection internationale<sup>3</sup> et iv) la mise en oeuvre de solutions durables.

2. Dans le contexte du mandat de protection du HCR, les efforts visent à renforcer les capacités des Etats à s'acquitter de leurs obligations juridiques internationales dans le domaine de la protection des réfugiés. Ils contribuent également à renforcer la primauté du droit en créant des structures de protection nationales. La promotion de la coopération internationale constitue un autre élément important de ces efforts afin de parvenir à un partage équitable de la charge et de la responsabilité de l'accueil des réfugiés.

3. La complexité de la tâche visant à renforcer les capacités de protection vient surtout du fait que si les objectifs de ces efforts peuvent apparaître semblables d'un pays à l'autre, leur contenu réel diffère de façon inéluctable et selon des facteurs tels que la situation du pays en matière de développement, les limites de ses propres ressources, le degré de sophistication juridique de son système d'asile et l'étendue de son expérience dans la façon de faire face aux situations de réfugiés.

4. L'objet de cette note est de présenter une analyse préliminaire des questions et défis inhérents aux activités visant à renforcer les capacités de protection afin de stimuler les discussions sur la façon dont ces capacités peuvent être étayées par le biais d'efforts de coopération.<sup>4</sup> L'annexe I à ce document énumère un certain nombre des activités essentielles poursuivies par le HCR et les autres partenaires de protection; l'annexe II fournit des exemples concrets des meilleures pratiques des différents Etats, du HCR, des réfugiés, des organisations non gouvernementales (ONG) et d'autres acteurs. La note présente également quelques considérations d'ordre général qui pourraient être approuvées de même qu'un certain nombre d'activités de suivi. Alors que ce document porte sur les différents systèmes d'asile, bon nombre de ces éléments peuvent s'appliquer également aux situations d'afflux massifs.

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<sup>1</sup> Voir *Accueil des demandeurs d'asile, y compris les normes de traitement dans le contexte des différents systèmes d'asile* (EG/GC/01/17).

<sup>2</sup> Voir *Processus d'asile : procédures justes et efficaces* (EC/GC/01/12).

<sup>3</sup> Voir les conclusions de la réunion régionale de Budapest du 6 au 7 juin 2001 (EC/GC/01/14) et *Protection des réfugiés et contrôle des migrations : positions du HCR et de l'OIM* (EC/GC/01/11).

<sup>4</sup> Voir également les rapports d'évaluation pertinents : *A review of Capacity-Building in Central and Eastern Europe* (1996) ; *Evaluation of UNHCR Training Activities for Implementing Partners and Government Counterparts* (2000) ; *Evaluation of UNHCR's Role in Strengthening National NGOs* (2001). ([unhcr.org/evaluate/reports.htm](http://unhcr.org/evaluate/reports.htm)).

## II. DEFINITION DE LA CREATION DE CAPACITES DANS LE DOMAINE DE LA PROTECTION

5. Le renforcement des capacités de protection requiert à la fois une approche et un ensemble d'activités. Au sens large, il recouvre l'amélioration de la performance humaine, institutionnelle ou communautaire, l'augmentation des connaissances et des aptitudes ainsi que la promotion d'attitudes positives sur une base durable. Il se fonde sur l'établissement d'un réseau avec des partenaires à différents niveaux, implique une participation élevée et est intimement lié au processus de réforme conduit au plan national. Il implique la fourniture d'un appui technique, y compris d'une formation, de services consultatifs, de connaissances spécialisées et d'une assistance financière et matérielle.<sup>5</sup>

6. Les activités vont du renforcement des autorités nationales, des législations et des politiques visant à mieux régler les questions de réfugiés et d'asile, l'accueil et l'assistance des réfugiés, la promotion de l'autonomie des réfugiés et la mise en oeuvre de solutions durables. Elles ont pour but de compléter les initiatives du pays hôte en réunissant les partenaires régionaux et internationaux dans un esprit de solidarité et de partage de la charge. L'appui intérieur et les dirigeants politiques sont deux bases fondamentales d'appui pour ces activités.

## III. LE ROLE DES ETATS

7. Les Etats sont responsables au premier chef de la fourniture d'une protection aux réfugiés. Comme pour la protection internationale en général, les initiatives de création de capacités bénéficient le plus souvent de la participation et de la coopération d'un ensemble d'acteurs dans le contexte du partage des responsabilités. Lors de la réunion régionale des consultations mondiales qui s'est tenue au Caire en juillet 2001, les participants ont épinglé l'insuffisance de l'appui international à la création de capacités locales du fait de fardeaux disproportionnés assumés par les pays de la région, dont beaucoup sont aux prises avec d'autres problèmes sociaux et économiques.<sup>6</sup>

8. Les réfugiés et les demandeurs d'asile continuent d'arriver dans les pays avec des ressources limitées. Leur présence peut surcharger les infrastructures locales, l'environnement et les ressources et mettre parfois rudement à l'épreuve la capacité et l'hospitalité des pays hôtes. Les réfugiés et les demandeurs d'asile sont aujourd'hui trop souvent considérés comme un fardeau, une cause d'instabilité sociale et économique ou une menace à la sécurité nationale. La communauté internationale doit imaginer de nouvelles approches. Les réfugiés peuvent être vus comme un atout et non pas comme un problème. Leurs capacités peuvent être reconnues et ils peuvent être habilités à s'adapter à leur nouvel environnement et à travailler à la recherche de solutions à leur sort. Ils peuvent également constituer pour leurs hôtes une source de main-d'oeuvre et de compétence en élargissant les marchés de produits locaux et dans certaines circonstances en justifiant une aide étrangère accrue. L'ancrage des questions de réfugiés dans l'agenda pour le développement réduit le fossé entre l'aide humanitaire et les efforts de développement et doit être l'un des objectifs des nouvelles approches. Les facteurs entravant l'intégration réelle des politiques de réfugié et de développement incluent le manque d'appui dans les pays donateurs et les pays hôtes et une faible coordination entre les institutions chargées du développement et les agences de réfugiés. Une plus grande attention doit être accordée aux moyens de surmonter ces difficultés afin d'exploiter au mieux le potentiel des réfugiés pour les communautés locales pour qu'ils deviennent des acteurs précieux du développement des localités et des régions.

9. La communauté internationale doit encourager et appuyer les efforts des pays hôtes pour exploiter le potentiel socio-économique des réfugiés. Les programmes d'assistance technique sont importants dans ce contexte. Ils peuvent prendre plusieurs formes y compris une aide aux pays hôtes : ils ont pour but d'enregistrer les réfugiés et les demandeurs d'asile, et de déployer des juristes expérimentés dans le droit des réfugiés lorsqu'il y a des arriérés de demandes de détermination de statut de réfugié. Les activités de l'Union européenne en matière de création de capacités dans les domaines du transfert

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<sup>5</sup> Voir HCR, *Guide pratique de la création de capacités comme élément des programmes humanitaires du HCR*, septembre 1999. Voir également le PNUD, *Capacity Assessment and Development*, *Technical Advisory Paper No. 3* ([magnet.undp.org/docs/cap/main.htm](http://magnet.undp.org/docs/cap/main.htm)).

<sup>6</sup> Voir les conclusions de la réunion régionale du Caire.

de compétences et de création d'institutions en offrent des exemples instructifs. Il convient de citer à cet égard le Programme horizontal PHARE sur l'asile, le *Twining Tool* et les initiatives entreprises dans le contexte du Groupe de travail de haut niveau sur l'asile et la migration (voir annexe II).

10. La réunion régionale du Caire a demandé l'examen de mécanismes régionaux de partage de la charge, tant à l'intérieur qu'à l'extérieur de la région, par le biais de réunions sous-régionales régulières encourageant la coopération, les partenariats transfrontaliers, l'échange de stratégies de protection, l'information statistique concernant les réfugiés, l'expérience juridique pertinente et les initiatives pratiques.

#### IV. LE ROLE DU HCR

11. Le renforcement des capacités de protection est une fonction inhérente au mandat de protection internationale comme l'illustrent les annexes de cette note. Concernant les systèmes d'asile bien établis, ils visent essentiellement à promouvoir l'appui et la prise de conscience du public, à fournir une base solide pour la protection des réfugiés dans la législation nationale, la politique et la pratique et à développer des partenariats solides avec tout un éventail d'acteurs afin de garantir la fourniture adéquate de la protection internationale. Les pays dotés d'institutions bien établies peuvent en outre devenir des partenaires importants du HCR, dans les efforts qu'ils déploient pour créer des capacités.

12. Dans de nombreux pays du monde, particulièrement en Europe de l'Est, dans beaucoup de régions d'Asie, d'Afrique et d'Amérique du Sud, les systèmes d'asile en sont encore aux premiers stades de l'élaboration. Certains en sont encore à leur début, d'autres sont plus solides. Dans ce cas, la création de capacités est une responsabilité qui couvre tout un éventail d'activités, allant de la création initiale d'institutions au développement de capacités pour permettre aux réfugiés de devenir autonome en attendant l'identification de solutions durables. Dans les situations où les procédures de détermination de statut de réfugié ne bénéficient pas de ressources suffisantes, le traitement des cas en suspens requiert une attention particulière. Dans les situations de réfugiés ou l'intégration sur place est la seule solution réaliste, l'objectif est d'appuyer les pays hôtes pour qu'ils fournissent cette solution. Afin que l'intégration soit une composante intégrale d'un système d'asile sain et un élément viable d'une stratégie globale de solutions durables, des efforts doivent être faits pour promouvoir la prise de conscience et la tolérance du public parallèlement aux projets d'assistance financière et technique dans les communautés hôtes.

13. Dans certains pays, où il n'y a même pas de structure d'asile rudimentaire, le premier défi pourrait bien être de créer la volonté et l'intérêt politiques d'adhérer à la Convention de 1951 et au Protocole de 1967. Dans ces situations, l'absence ou l'insuffisance du développement de structures de la société civile sensibles aux questions relatives à la protection des réfugiés (y compris les ONG) représente une contrainte particulière. Ces questions peuvent ne pas sembler prioritaires sur l'ordre du jour politique et entrer en concurrence avec des questions socio-économiques plus pressantes. Dans certains pays, le sentiment prévaut que les structures d'asile pourraient constituer un "facteur d'attraction" pour le demandeur d'asile pouvant même amener à qualifier un pays de "pays d'asile sûr", ce qui peut à son tour susciter des demandes de réadmission de pays appartenant ou extérieurs à la région. Les stratégies de création de capacités doivent être sensibles à ces préoccupations et se fonder sur le solide principe du partage de la charge.

14. En bref, le renforcement de la capacité de protection peut s'avérer un processus long et complexe, particulièrement lorsque les capacités initiales sont faibles. Il s'agit également d'un processus participatif qui doit s'adapter avec flexibilité à l'évolution des circonstances et à des scénarios différents. Son succès repose sur un certain nombre de facteurs, y compris la nécessité d'une prise en charge nationale et d'une coalition renforcée entre toute une série de partenaires. Pour sa part, le HCR a établi des liens dans ce domaine avec un large éventail d'acteurs : parmi eux des gouvernements hôtes et donateurs, des organisations intergouvernementales, des ONG, des groupes religieux, des juristes, des juges, des parlementaires, les personnalités qui font l'opinion et les journalistes. Les forces militaires et de maintien de la paix ainsi que le secteur privé sont de plus en plus intégrés. Le soutien des liens nord-sud entre les ONG, les milieux universitaires entre autres, s'est révélé une caractéristique importante des modalités de partenariat.

## V. CONCLUSIONS

15. Les activités, initiatives et meilleures pratiques consignées dans cette note sont présentées aux Consultations mondiales pour aider les Etats et d'autres acteurs internationaux à donner un contenu aux stratégies régionales et nationales visant à renforcer les activités de protection. Leur formulation et leur mise en oeuvre doivent être guidées par les considérations générales suivantes :

- Le renforcement des capacités est une activité clé dans le domaine de la protection et constitue un instrument important de coopération internationale dans les efforts pour partager le fardeau et la responsabilité des pays hôtes. La mise en oeuvre des obligations en matière de protection ne peut toutefois dépendre du partage de la charge.
- Les activités à l'appui de la création de capacités doivent être intégrées dans la planification des institutions nationales pertinentes, y compris les institutions chargées du développement. La prise en charge nationale doit faire l'objet de priorités et l'accent doit être mis sur le développement des compétences et les initiatives de création de systèmes afin que les structures de protection soient viables et deviennent finalement indépendantes au plan financier et opérationnel.
- La création de capacités en matière de protection doit être un concept flexible et recouvrir des activités en mesure de s'adapter à l'évolution et aux systèmes d'asile structurés aux différentes étapes du développement. Cette activité doit également tenir compte du critère d'appartenance sexuelle.
- Elle doit être conduite dans le cadre d'un partenariat impliquant les gouvernements hôtes et donateurs et les institutions chargées de l'aide humanitaire et du développement ainsi que les réfugiés eux-mêmes.

16. Pour donner suite à ce document, les activités suivantes pourraient être envisagées :

a) L'élaboration par le HCR d'un Manuel sur le renforcement des capacités de protection contenant des outils, des techniques et des approches pouvant être adaptés à diverses situations.

b) L'élaboration par les Etats et le HCR, en coopération avec d'autres partenaires pertinents, de stratégies de création de capacités en matière de protection lorsqu'elles n'existent pas. Des ateliers régionaux et sous-régionaux pourraient être organisés afin de définir ces stratégies et ces modalités de partenariat. Le HCR pourrait faciliter l'harmonisation des besoins avec des offres concrètes d'appui et de fourniture de compétences de la part des Etats, des organisations intergouvernementales, des ONG, des entreprises privées et d'autres acteurs.

c) Les initiatives de promotion et fondées sur l'éducation de la part de tous les acteurs concernés afin d'encourager une attitude respectueuse et positive à l'égard des réfugiés en mettant l'accent sur le potentiel qu'ils représentent. Ces activités peuvent inclure : i) la diffusion de matériaux de sensibilisation/d'éducation existants, ii) des campagnes d'information ciblées pour promouvoir la tolérance et lutter contre les tendances xénophobes, les mesures de création de confiance au sein des communautés locales et de réfugiés.

d) L'examen ultérieur des possibilités de mobilisation des ressources dans le secteur privé, y compris dans le contexte de l'initiative "Global Compact" lancée par le Secrétaire général des Nations Unies<sup>7</sup>. Outre le financement du HCR, il peut être fait un usage judicieux des fonds consacrés au développement de capacités et de structures pouvant être mis à disposition afin de rechercher de nouveaux Etats membres dans certains groupes régionaux aux fins de créer et renforcer les systèmes.

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<sup>7</sup> Voir : [unglobalcompact.org](http://unglobalcompact.org)

Conscients du fait que le déplacement n'est pas simplement une question humanitaire mais qu'il a aussi des liens avec le développement, les donateurs pourraient étudier comment allouer un pourcentage des fonds consacrés au développement aux programmes en faveur des réfugiés et des populations locales qui les accueillent.

## CORE COMPONENTS OF ACTIVITIES TO STRENGTHEN PROTECTION CAPACITIES

The various components of protection capacity-building are analysed below with examples of specific activities to enable the development of a structured and systematic approach.

### a) Creating or adapting adequate national legal frameworks

Capacity-building efforts in this area enable all stakeholders to rely on a predictable legal framework, which not only ensures refugees' access to their rights but also responds effectively to the different interests at stake. Activities in this area may include:

- promoting accession to international refugee instruments and other relevant human rights instruments;
- promoting and supporting the amendment of existing national laws and/or the creation of new national laws in a manner which ensures compliance with international refugee law and standards, including the drafting of administrative instructions and operational guidelines;
- providing material and technical legal support for the adaptation of the State's legal, administrative or judicial structures, including assistance in drafting/reviewing draft legislation or undertaking comparative studies;
- supporting the timely implementation of legislation, inter alia, by providing targeted and specialized training and advisory services (technical assistance).

### b) Facilitating the establishment of national protection structures

Apart from material and technical assistance measures, capacity-building activities in this area are primarily focused on both the transfer and harnessing of existing skills and know-how to a variety of governmental and other institutions at both the central and local levels. In some situations, this may extend to addressing underlying structural problems (such as coverage of recurrent costs or shortage of qualified personnel) on which sustainability ultimately depends. Activities in this area may include:

- providing material, legal and technical support to the institutions implementing asylum procedures, including by envisaging an appropriate advisory or other role for UNHCR in the process;
- promoting gender- and age-sensitive structures;
- assisting authorities to register all asylum-seekers and refugees and to issue identity documentation;
- facilitating access to information on countries of origin, international legal instruments, jurisprudence on refugee issues, regional/international expert studies, periodicals or other initiatives in the refugee area;
- promoting the creation of specific focal points on refugee-related issues in relevant ministries and offices;
- providing broad or sectoral training, including, for example, on-the-job training or exchange programmes to government partners (including border officials), refugee bodies/senates and the judiciary, aimed at strengthening their implementation of protection and assistance functions;
- promoting the establishment of a refugee/human rights component in the training curricula of senior police officials, immigration and decision-making officials, including judges;
- facilitating participation in study visits and conferences to enhance the exposure of senior civil servants to the international dimension of refugee protection;
- supporting the reform of key administrative departments and encouraging the development of coordination mechanisms between relevant ministerial departments which may complement one another in addressing protection issues;

- fostering planning processes involving national actors, including identification of applicable standards, “gap” analyses, formulation of multi-year strategies and budgets;
- generating or enhancing operational partnerships between relevant local authorities and central authorities;
- development of legal and social counselling networks;
- developing a culture of partnership to enhance effective coordination between and among relevant ministerial departments, UNHCR, other intergovernmental organizations and relevant NGOs.

c) Fostering the growth of “protection networks” in civil society<sup>8</sup>

Promoting broad support for refugee protection in civil society is crucial to foster cooperation in the protection and assistance areas, to forge partnership arrangements and to ensure the sustainability of national protection structures. Activities in this area may include:

- training and awareness-raising on international protection and humanitarian assistance issues;
- supporting coordination and networking among civil society actors, in which context international NGOs play an important role in working collaboratively with national NGOs to enhance capacity to respond to protection needs;
- helping NGOs to develop diversified funding strategies and broader-based community support;
- facilitating government–NGO interaction (support for NGO legislation, meetings between government authorities and NGOs, etc);
- providing small grants to NGOs for the purposes of NGO development, training and support;
- provision of office space and equipment to NGOs and others.

d) Enhancing capacity to achieve self-reliance and to realize durable solutions

States, civil society, communities and refugees themselves are key partners in the achievement of self-reliance and the search for durable solutions. While the establishment of an enabling legal and operational framework for the realization of durable solutions is key in many refugee situations, refugees themselves have important capacities. Activities to increase the capacities can empower refugees to adapt to their new environment and ultimately become self-reliant. Such activities should be designed and delivered within a gender-sensitive framework. As experience shows, empowered and self-reliant refugees are better prepared to work towards finding durable solutions. Activities in this area may include:

- building self-reliance among refugees through recognition of existing skills and qualifications and by providing technical skills development, rights-awareness training and community-development activities;
- promoting and supporting the establishment of a solutions-oriented self-reliance policy (including co-funding of language programmes, school enrolment, labour orientation, community development activities, etc);
- building and/or strengthening multi-faceted partnerships among governments, donors, refugees, communities, NGOs and volunteers;
- assisting governments to create a framework for economic, social and legal integration of refugees, including through family reunification and eventually granting of citizenship;
- promoting resettlement opportunities;<sup>9</sup>
- supporting voluntary repatriation arrangements, including by training in voluntary repatriation standards and procedures for government authorities, NGOs and other operational partners, as well as by establishing counselling structures to provide refugees with the necessary information to allow them to make free and informed choices.

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<sup>8</sup> Including individuals, NGOs, academics, professional associations, unions, ethnic or religious associations/groups, or other informal community groups, contributing to the common public good

<sup>9</sup> See *New Directions for Resettlement Policy and Practice*, EC/51/SC/INF.2.

e) Public support to create a receptive and positive climate

Improving public awareness and understanding of who refugees are and why they flee is essential to create a receptive climate for refugees and asylum seekers. It also contributes to capacity-building activities in the protection area. Activities therefore need to be identified which promote a culture of refugee protection, solidarity and tolerance in each host society. They may include:

- outreach to the media, at both local and national levels;
- promotion of balanced and informed reporting in the media;
- working with schools and universities to incorporate refugee issues in curricula;
- placing public service announcements on refugee themes on TV, radio and in print;
- organizing special events around refugee themes or particular dates (such as World Refugee Day and Women's Day) to involve the general public and bring refugees and the community together;
- partnering with community, religious groups or other interested organizations (including the corporate sector) to raise awareness of refugee issues among their constituencies.



(Anglais uniquement)

## CAPACITY-BUILDING INITIATIVES IN THE PROTECTION AREA

The following is a selection of interesting initiatives and best practices by individual States and international organizations, including UNHCR, refugees, NGOs and other actors. It is hoped that they may provide inspiration for similar action and contribute towards a better understanding of capacity-building. They have been grouped according to the core capacity-building components listed in Annex I.

### a) Creating or adapting adequate national legal frameworks

- **Promotion by UNHCR of accession to international refugee instruments**

Increased efforts are being undertaken by UNHCR in 2001 to promote universal accession to the 1951 Convention and its 1967 Protocol. UNHCR has produced two booklets providing guidance to States in this process.

- **Promotion of national refugee legislation**

Examples of UNHCR's activities undertaken in the area of promotion of national refugee legislation are reflected in the Note on International Protection,<sup>10</sup> presented to the fifty-second session of ExCom.

- **Phare Horizontal Programme on Asylum**

In Europe, the two-year Phare<sup>11</sup> Horizontal Programme on Asylum (1999–2000)<sup>12</sup> represented a novel approach to strengthening asylum, involving a partnership between seven European Union member States, the European Commission, ten Central European and Baltic States, and UNHCR. The programme supported the development of asylum systems to ensure compatibility with international and regional refugee law standards, completion of a country-by-country "gap" analysis, the establishment of a National Action Plan detailing legislative revisions, changes of practice, required institutional improvements, as well as donor support necessary to set these changes in motion. A similar initiative is now envisaged by the EU in South Eastern Europe under CARDS,<sup>13</sup> within the broader context of the Stability Pact for South Eastern Europe.

### b) Facilitating the establishment of national protection structures

- **UNHCR's refugee status determination project ("RSD project") – around the globe**

The RSD project aims at reducing backlogs, enhancing capacity to deal with new cases, and setting procedural standards by the development of an RSD toolkit. An important objective is to improve the quality and consistency of refugee status determination carried out by UNHCR offices and to develop processes and tools to prevent fresh backlogs arising. The project also aims at assisting Governments to undertake RSD, and places particular emphasis on training eligibility committees, providing background information and decision-making.

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<sup>10</sup> See *Note on International Protection*, A/AC.96/930.

<sup>11</sup> Phare originally stands for Poland and Hungary Assistance for Reconstruction of Economy.

<sup>12</sup> Joint Support Programme on the Application of the EU *Acquis* on Asylum and related Standards and Practices in the Associated Countries of Central Europe and the Baltics.

<sup>13</sup> EU programme for Assistance, Reconstruction, Development and Stabilization in South Eastern Europe and Europe, aiming at post-conflict recovery, reform, political and economic stability.

- **Twinning Tool – EU and Candidate Countries in Central Europe**  
A practical instrument used by the EU for countries in Central Europe (candidates for EU membership), and now by the Stability Pact for South Eastern European countries: civil servants from national administrations of Western Europe make themselves available to assist administrations in the Candidate Countries to build up expertise in different areas. In addition, there have been training programmes for expert education.
- **EU: High Level Working Group (HLWG) on Asylum and Migration (set up in 1998)**  
Based on comprehensive action plans addressing migration and asylum issues, EU States are in dialogue with various countries of origin and/or transit. UNHCR has contributed to the development of several Action Plans as part of the HLWG process. EU Member States have in varying degrees been able to assist with the implementation of the Action Plans. In addition, the EU established a dialogue with other interested third countries to forge further partnerships in implementing the various Action Plans.
- **Exchange programmes and knowledge transfer – Western and Eastern Europe, Commonwealth of Independent States (CIS)**  
Government officials and NGO staff dealing with refugee issues in Eastern Europe and the CIS undertake placements with their counterparts in Western Europe or within the CIS. Areas include refugee status determination, country of origin research and social counselling.
- **Refugee law and human rights courses – United Republic of Tanzania, Kyrgyzstan, Italy, France, Costa Rica, Eastern and Central Europe**  
Through established programmes as well as new initiatives, and with the support of UNHCR, NGOs and private foundations or institutes, refugee law and human rights courses have been implemented. For example: i) in Tanzania, the East African School of Refugee and Humanitarian Affairs started an inter-disciplinary refugee studies programme; ii) in Kyrgyzstan, UNHCR, in collaboration with others, established human rights summer schools open to law students and young professionals from the five Central Asian Republics; iii) in San Remo and Strasbourg, UNHCR, in collaboration respectively with the International Institute of Humanitarian Law and the Human Rights Institute conducts refugee law courses targeting senior government officials dealing with refugees, academics, refugee law judges and NGO representatives; iv) in Costa Rica, UNHCR assisted the Judicial School to set up a training programme on refugee law for judges; v) in Eastern and Central Europe, the Council of Europe, often in cooperation with UNHCR, organizes training, workshops and seminars on various subjects for government officials of the member states.
- **Promotion by UNHCR of refugee law – around the globe**  
Research and learning in refugee law is being promoted in various forms, including through the i) donation of refugee law texts to universities in Ghana, Guinea (Conakry) and Nepal; ii) creation of a refugee law and documentation Research Centre at the Branch Office, Conakry; iii) inclusion of refugee law in law school curricula; iv) Organization of African Unity (OAU)/UNHCR Compendium of all OAU instruments and texts on refugees, returnees and displaced persons in Africa; v) launch of a website of refugee literature in Spanish.
- **Regional partnerships**  
Examples include the 2000 cooperation agreement between UNHCR and the League of Arab States; the collaboration of UNHCR with the organs of the Inter-American Human Rights System on promotion, training and capacity building, as well as research and joint studies.
- **Access to the judiciary for refugee victims of abuse – Kenya**  
A mobile court, supported by UNHCR, was established in Dadaab, Kenya, to ensure the prosecution of perpetrators of violence against refugees, including sexual violence against refugee women and children, and to provide easier access to witnesses.

- **Separated children: promotion of a common policy and commitment to best practices – EU**  
The Separated Children in Europe Programme, a joint UNHCR/Save the Children Alliance initiative, was established to respond to the increasing number of separated refugee children arriving in Europe. Under the programme, a number of country assessments have been completed, a Statement of Good Practices produced, and a pan-European NGO network established. A common policy and commitment to best practices at the national and European levels is thus being promoted.
  - **Increase of capacity to protect and care for refugee children – around the globe**  
In collaboration with the Save the Children Alliance and, since 1999, with the Office of the High Commissioner for Human Rights (OHCHR) and the UN Children's Fund (UNICEF), UNHCR has developed and is implementing the Action for the Rights of Children (ARC) project. ARC's primary goal is to increase the capacity of UNHCR, governments and NGO field staff to protect and care for refugee children at all stages. ARC is a compendium of guidelines, critical issues, case studies and participatory training materials for field workers and policy programmers.
- c) Fostering the growth of "protection networks" in civil society
- **"Reach Out" – around the globe**  
Recommendations which emerged from a series of "Reach Out" consultations with national NGOs in a number of regions include the establishment of improved information-sharing, UNHCR assistance in developing national NGO legislation and more protection training for NGO staff. Through a joint initiative of several humanitarian agencies, a three-year protection training programme for staff of operational partners has been launched, using as its *basis A Protection Field Guide for NGOs* published in 1999. Other recommendations in various stages of implementation include the development of a *Best Practices Handbook*, publication of a regional quarterly newsletter about refugee protection issues in the Middle East and the initiation/enhancement of collaborative efforts between North/South NGOs.
  - **Building NGOs – CIS/Central Europe**  
As a follow-up to the 1996 CIS conference, capacity building for NGOs has centred around four major activities: i) thematic working groups led by NGO partners; ii) workshops on capacity-building for NGOs and UNHCR field offices; iii) regional conferences on NGO legislation organized by UNHCR in cooperation with the Council of Europe, the International Centre for Not-for-Profit Law, and the Open Society Institute; and iv) a small grants fund for NGOs in the CIS countries. In addition, a *UNHCR Catalogue of NGO Capacity-Building Resources for the Countries of the Commonwealth of Independent States* was issued in 2000 as a tool for networking and possible collaboration among NGOs. This is an example of a very comprehensive NGO-strengthening process which could usefully inform capacity-building strategies elsewhere. In Central Europe and the Baltic States, NGO networks benefit from twinning arrangements with NGOs in the West.
  - **Honorary liaison persons – Caribbean**  
A low cost civil society protection network was established by UNHCR in the Caribbean, composed of prominent community leaders affiliated to organizations concerned with issues such as human rights, migration and social welfare. These leaders are designated as "honorary liaison" persons who monitor the arrival of asylum-seekers, help refugees access legal assistance and basic services, and facilitate UNHCR's contacts with national authorities.
  - **Eminent Persons Group – South-east Asia**  
The Eminent Persons Group, established by UNHCR in Southeast Asia, is another model of how people with experience and interest in refugee and related issues can advance refugee protection, sensitize key sectors of civil society and lobby governments for a protection-oriented treatment of refugees, including the enactment of national refugee legislation. The group has, for instance, developed a national model law on refugees and asylum which is being promoted for adoption in South Asian Association for Regional Cooperation countries.

- **Civil Society Responds to the Needs of Refugee Women – Kenya**  
The Federation of Women Lawyers (FIDA) is a membership organization of women lawyers and law students. FIDA conducts legal awareness and awareness of rights programmes. The Kenyan branch of FIDA is working with refugee women in various camps in areas such as law enforcement, training and education for officials on how to handle violence against women and combat sex discrimination.
  - **Universities, NGOs, lawyers, students: provision of legal aid and representation and exchange programmes – USA, Central European and Baltic States, Cyprus, Costa Rica, South Africa**  
Various American non-profit agencies have programmes to screen asylum-seekers and find attorneys to represent them *pro bono*. Several universities in the United States have set up legal clinics specifically to assist asylum-seekers. Students, under supervision, prepare the cases. The latter set-up served as a model for legal clinics in Central European and Baltic States, as well as Cyprus. Apart from providing asylum-seekers and refugees with free legal representation, it strengthens cooperation between NGOs working in the field of asylum, ensures that refugee law will be increasingly integrated into the regular curricula of law faculties and that young practitioners will leave university with practical skills and legal knowledge on refugee and asylum issues. Current efforts are complemented by sister partnerships and other cooperation programmes with the aim of linking developing legal aid programmes and clinics with more developed programmes (e.g. student exchange between Harvard University and ELTE University Budapest). At the University of Costa Rica, law students are trained in refugee law, with an emphasis on refugee status determination, to strengthen both government and NGO capacity in RSD. In South Africa, refugee legal counsellors funded by UNHCR are working out of the Legal Aid Clinics of Cape Town and Johannesburg universities. The Refugee Rights project run by Lawyers for Human Rights in Pretoria and Durban is another example of the provision of legal counsel to asylum-seekers and refugees.
  - **Law judges improve refugee protection – around the globe**  
The International Association for Refugee Law Judges (IARLJ) and UNHCR have an agreement to promote understanding of refugee law and asylum principles worldwide and to encourage networking among national judges and quasi-judicial decision-makers. In cooperation with the Immigration Refugee Board of Canada, UNHCR and York University (Canada), IARLJ thus developed a training module for refugee law judges and quasi-judicial decision-makers. A series of international conferences and joint workshops for national judges in different parts of the world has been held. The network has also encouraged the sharing of information and promoted capacity-building among members of the judiciary worldwide through research initiatives, publications and training, as well as through the provision of technical and legal assistance to national decision-making bodies.
- d) Enhancing capacity to achieve self-reliance and realize durable solutions
- **Refugee Education Trust**  
As a lasting legacy of UNCHR's 50<sup>th</sup> anniversary, the independent Refugee Education Trust was launched on 14 December 2000. The Trust gives refugees in developing countries opportunities for post-primary education. The focus is on providing quality education to the largest number of refugees where the needs are greatest.

- **Towards self-reliance – Kazakhstan/Egypt**  
In Kazakhstan, UNHCR assisted refugee women to set up their own NGO to develop small-income generation projects, vocational training and address issues of violence against refugee women. At a recent meeting in Cairo, refugee women agreed to establish a refugee women's committee to act as a dialogue partner with UNHCR, respond to problems and promote coordination with different local authorities.
  - **Empowering refugee communities**  
In Algeria (Tindouf camps), refugee women have formed their own National Union and assumed sole responsibility for developing local administrative structures. Refugee women run campaigns informing other refugee women of their rights and encouraging their participation in the political arena. Another UNHCR initiative has been the production of a module on rights-awareness training aimed at empowering refugee women to assert their rights in host countries to enhance their legal status.
  - **Refugees involved in camp management – Nepal**  
Refugee camps in Eastern Nepal provide an example of refugee participation in camp management, thereby promoting self-reliance. Camp committees have been established and men and women are equally eligible to run for camp committee posts. Refugees are involved in almost all activities in the camp, including food distribution, school teaching and administration, income generating projects, provision of health care, the construction and maintenance of camp structures and the registration of births.
  - **Strengthening self-reliance – Uganda**  
In 1999, the Ugandan authorities and UNHCR implemented a long-term assistance strategy designed to help refugees become self-reliant. The programme places particular emphasis on developing skills in agricultural production, income-generation, community services, health and education, water resources and sanitation.
  - **Combating violence against refugee women and girls – Kenya**  
In 1999, the Ted Turner Project established the "Refugee Communities Against Sexual and Gender Violence" project in the Kakuma and Dadaab refugee camps, Kenya. The project focuses on empowerment of refugee women and girls through skills development, training and income-generation, raising public awareness of the consequences of sexual violence for the victim and the community at large, improvement of security in and around camps, and promoting women's rights.
  - **Responding to the educational needs of Afghan refugee girls to build future self-reliance – Pakistan**  
UNHCR-funded schools have been established in Pakistan to cater for Afghan refugee children. The implementation of the Home Based Schools for Girls programme provides thousands of Afghan girls with access to education. Such programmes also allow female teachers among the refugees to utilize their literacy skills, as well as providing them with an important employment opportunity.
- e) Public support to create a receptive and positive climate
- **Enhancing public understanding – EU**  
Over the past two years, UNHCR has run a public awareness campaign of TV and print advertisements and posters in all 15 EU countries. The project, funded by the European Commission, aims at ensuring the smooth integration of recognized refugees. It also combats negative stereotypes and xenophobic attitudes towards these refugees. Other events include seminars in Austria and Germany (Bavaria) to familiarize journalists with refugee integration needs, mechanisms and the need for integration policies, as well as the establishment of a panel of refugee speakers in Ireland.

- **Combating xenophobia – Southern Africa**  
Similar campaigns have been carried out in countries in Southern Africa, notably a “roll back xenophobia” campaign in South Africa. A positive impact has been observed in the media, with more accurate and objective reporting on the presence of foreigners in South Africa, and in health and educational institutions where attempts have been made to facilitate access by refugees and asylum-seekers. Furthermore, it was noted that community meetings at grass roots level to explain why refugees are in South Africa and underscore their plight and rights did produce changes in the attitude of participants. In the run-up to the World Conference on Racism and Xenophobia in September 2001, the campaign is planning an event centered on South Africa-specific concerns relating to xenophobia. It is hoped that this will have positive spin-offs in South Africa and provide added value to the work done by the “roll back xenophobia” campaign.
- **“Respect” campaign: contributions refugees bring to society – around the globe**  
On 14 December 2000, UNHCR launched worldwide a 50<sup>th</sup> anniversary public awareness campaign “Respect”: respect for refugees, respect for their contributions and respect for their rights. This campaign involved many public activities including TV and print advertisements about refugees’ lives; a Gallery of Prominent Refugees; and the concept of Refugee Voices through which refugee artists tell their stories (concerts and CDs).<sup>14</sup>
- **World Refuge Day (WRD) – around the globe**  
20 June 2001 marked the first ever world Refugee Day aimed to promote a positive image of refugees and develop a tolerant attitude towards them, raise public awareness, reduce xenophobic tendencies and demonstrate respect for refugees. Events included broadcasts by public TV stations (e.g. advertisements about the “Respect” campaign), refugee photo exhibitions, concerts, refugee poetry, refugees’ flight and asylum stories, and visits with journalists to refugee sites. Other events will continue throughout the year (e.g. publication of a booklet for primary school children promoting tolerance, seminars on cross-cultural education for secondary school teachers, and preparation of a manual designed to mainstream these issues into general teaching).<sup>15</sup>
- **Educational campaigns – United States, Spain, Russian Federation**  
UNHCR launched an education awareness project in the United States in 1999. Utilizing UNHCR’s educational materials (lesson plans, teaching kits, videos and games),<sup>16</sup> the project has encouraged teachers across the USA to teach their students about refugee issues. Similar initiatives were undertaken in Spain and are planned in the Russian Federation.
- **Mobilizing young people to respond to the needs of younger refugees – around the globe**  
UNHCR produced two booklets, *Refugee Teenagers* and *Refugee Children* which raise awareness of the plight of young refugees. They are directed at young people and, in addition to providing information on the circumstances and needs of young refugees, suggest ways in which readers can help young refugees in their own country. Suggestions range from awareness-raising activities to practical ways of helping refugees to integrate into their new society.
- **Goodwill Ambassadors and other prominent individuals**  
National or regional Goodwill Ambassadors and prominent individuals have contributed financially to UNHCR’s work and/or assisted in raising awareness of refugee issues. They have organized high-profile public events, generated support through interviews in the press and on television, and publicized refugee needs through field missions.

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<sup>14</sup> See [unhcr-50.org](http://unhcr-50.org).

<sup>15</sup> idem

<sup>16</sup> For further information, contact UNHCR’s Public Affairs Unit ([montecal@unhcr.org](mailto:montecal@unhcr.org)), or visit UNHCR’s public website