FOREWORD

The *Reach Out Refugee Protection Training Project* was initiated in 2001 by NGOs and the Red Cross/Red Crescent Movement in collaboration with UNHCR in order to train humanitarian staff in the basics of refugee protection. Materials were developed around the *Protecting Refugees: A Field Guide for NGOs* (1999) and, subsequently, trainings have been delivered around the world to field-based humanitarian staff.

The *Reach Out Refugee Protection Training Kit* is based on the experience gained over those five years through this inter-agency project. The debates on protection have evolved considerably since the creation of *Reach Out*. This revised set of training materials reflects many of those debates and includes additions of new modules to better serve humanitarian staff. The Training Kit was developed in consultation with a wide range of humanitarian actors and will provide an important contribution to the humanitarian community's ability to better protect refugees.

The Project itself closes on 30 November 2005, providing a legacy of training materials for humanitarian agencies to use and incorporate into their own training programmes and work. The inter-agency process of the *Reach Out Project* has been a truly collaborative one, which has contributed to the quality of the products and the project's enduring impact.

We would like to thank all those who have been involved with, and supportive of, the *Reach Out Project* since 2001: the participants, trainers, resource persons, reviewers, translators, proofreaders, donors, and particularly the project staff who have been key to the project's success.

The full *Training Kit* will be hosted on the website of the International Council of Voluntary Agencies (ICVA): www.icva.ch and on UNHCR's website: www.unhcr.ch in four languages: Arabic, English, French, and Spanish. We hope that the materials in the *Reach Out Refugee Protection Training Kit* will be used and adapted in order to better enable humanitarian agencies to incorporate refugee protection into their programming.

October 2005

On behalf of the Reach Out Working Group members since 2001

- Care International
- InterAction
- International Catholic Migration Commission (ICMC)
- International Committee of the Red Cross (ICRC)
- International Council of Voluntary Agencies (ICVA)
- International Federation of the Red Cross and Red Crescent (IFRC)
- International Rescue Committee (IRC)
- Norwegian Refugee Council (NRC)
- Oxfam GB
- Save the Children UK
- Steering Committee for Humanitarian Response (SCHR)
- Swedish Red Cross
- United Nations High Commissioner for Refugees (UNHCR)
- World Council of Churches (WCC)
- World Vision International (WVI)

Thanks to the institutional partners who provided support to the Reach Out Project since 2001

- Australian Agency for International Development (AusAID)
- Department of Foreign Affairs Canada (DFA)
- Oxfam GB
- Swedish International Development Agency (SIDA)
- Swiss Agency for Development and Cooperation (SDC)
- The Office of Policy and Resource Planning – Bureau of Population, Refugees, and Migration in the U.S. Department of State (BPRM)
- United Kingdom Department for International Development (DFID)

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Introduction to the Reach Out Training Approach

The Reach Out Training Kit on refugee protection was built on the basis of a few years' experience of delivering Reach Out training workshops to humanitarian workers around the globe.

Using a workshop format, it **aims to increase the knowledge of humanitarian workers on key concepts and principles of refugee protection**.

This knowledge of refugee protection will lead to **operational effectiveness and improving competencies of participants**. The training provides an immediate opportunity for participants to apply the knowledge gained in the workshop through case studies, simulations, actor–mapping, and group-based teamwork. The training kit includes **handouts and supporting materials** that humanitarian workers can continue to consult when they return to their work.

Bringing humanitarian workers together in a workshop **close to their workplace** also provides an opportunity for participants to identify colleagues who they can consult in the future to support each other in working towards better refugee protection. Participants are encouraged to bring their knowledge back to their organisations, to apply their knowledge within their organisations, and to hold further workshops using the **Training Kit**.

The Reach Out Training Kit is **designed for adult learners** and encourages them to **share their experiences**. By using group-work exercises and case studies, the training recognises that much of the work participants do on the job is based on teamwork and working with other humanitarian actors. The simulation/role-play exercise in Module 7 seeks to build participants' knowledge of how to successfully negotiate for solutions that are acceptable to a variety of actors, as this is a challenge they face in their daily work.

These **Instructions for Trainers** enable participants to understand their role as trainers for the Reach Out workshops and also provide guidance on the running of training-of-trainers courses. There is an option to use the **Training Kit** to deliver either three-day or five-day workshops.

The **role of the trainer** in the Reach Out training workshops is to enable learning. The trainer is responsible for ensuring that the training environment is conducive to learning, sharing knowledge and experience, and enhances the participation of all. Throughout the Reach Out Training Kit, the trainer is reminded of this role. Whilst they primarily impart knowledge, they must watch the behaviour of the participants, try to assess what learning is occurring, and make adjustments as necessary. Participants should feel more confident about the refugee protection aspects of their work, and the trainer should be watchful that the training does not produce doubt or leave the workshop feeling inadequate regarding the subject of refugee protection.

The trainer is also responsible for ensuring that **participants are able to contribute** to the learning process. Participation will be heightened under certain training conditions, including by agreeing the ground rules at the beginning of the workshop. Time should always be taken for participants to agree on these ground rules and to understand and agree on the learning objectives of the workshop.

The trainer should also address the **different levels of experience of participants** and ensure that contributions are encouraged from those with less experience. This can be done by placing them in leadership positions in the workshop, through group work, or simply by checking with them frequently to see that they are comfortable with what they are learning and that they have an adequate opportunity to ask questions and contribute.

Equally, **those with more experience** may feel that the training is going too slow or become dissatisfied with the depth of discussion. The trainer can address this by getting these participants to assist in delivering the key messages of workshops or may call upon them to give brief case examples from their experience to illustrate the learning points.

The trainer should also be alert to other **factors that might inhibit participants** from fully contributing to the workshop, such as gender, age, cultural dictates, position in the organisation, or language barriers.

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These concepts on the learning context and role of the Reach Out trainer are expanded in the **Action for the Rights of Children (ARC) Facilitators Toolkit,** which forms part of the materials provided in the **Reach Out Training Kit**. There are also a number of tips for trainers, including on how to plan a training event; how to facilitate a training event; participatory training techniques; how to carry out introductions, energisers, and reviews; devising case studies, role plays, and exercises; using audio-visual aids; using handouts; and tips on feedback and evaluation.

The modules in the training provide a variety of approaches that will enliven the training workshop and keep the participants engaged. There is a balance of trainer-led and participant-led activities. The **training is designed to bring real-world situations and experiential learning into the workshop,** as this will enhance the relevance and the retention of the materials for participants. The following is a brief overview of the Training Kit, each module, and the training approach that is taken to achieve an overall balance in the workshop.

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The Reach Out Training Kit

The **Training Kit** is available **in Arabic, English, French, and Spanish**.

It contains the **introductory module**, **10 Reach Out modules, and two optional modules,** as outlined below, as well as **the slides** required for each module. In additional to this is the **Senior Managers Pack**, which contains two further modules, plus handouts and slides. A **set of handouts on refugee protection** and a **facilitator's toolkit** from Action for the Rights of Children are also made available.

Finally, **the trainer is supported** throughout the workshop with a series of **detailed notes** to support the summaries found in **PowerPoint presentations**; **a glossary**; **a bibliography**; **a list of web sites, and references**. As with any training, it is vital for the trainer to be attuned to **the specific needs of their group a**nd to **tailor these materials to suit them**.

- Instructions for trainers
- Introduction to a Reach Out workshop **with slides**
- 10 core modules **with slides**

  Module 1 - What Is Refugee Protection?

  Module 2 - Refugees and Displacement

  Module 3 - Refugee Situation in Context

  Module 4 - Refugee Protection: Actors and Roles

  Module 5 - Programming and Protection

  Module 6 - Individual Arrival

  Module 7 - Mass Arrival

  Module 8 - Vulnerable Groups

  Module 9 - Durable Solutions

  Module 10 - Action-Planning
- Two optional modules **with slides**

  Optional Module - Gender-Based Violence (GBV)[1]

  Optional Module - Internally Displaced Persons (IDPs)[2]
- A set of handouts on refugee protection
- A facilitator's toolkit[3]
- The Senior Managers Pack brochure **with handouts and slides**

  Module 1 - Refugee protection: "From Global…"

  Module 2 - "…To Local": Opportunities

[1] Prepared together with the IRC in Kenya, the Reproductive Health Response in Conflict Consortium, the UNDP and the UNHCR.
[2] Prepared together with the Norwegian Refugee Council's Global IDP Project.
[3] Provided by Action for the Rights of Children, from Save the Children UK.

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Modules overview

Introduction to a Reach Out workshop

This module is designed to introduce participants to the objectives of Reach Out and of the workshop. It provides an overview of the content of the workshop and format. Participants will get an early opportunity to share their experiences in refugee protection through a discussion. Most importantly, they will understand how training can enhance their ability to do their refugee protection work.

Learning objectives

- Outline the purpose of the Reach Out project;
- Appreciate the importance of refugee protection training;
- Share some of their experiences on refugee protection.

Module 1 - What Is Refugee Protection?

In this module, participants will be introduced to the international standards that make up the framework for refugee protection and will see that protection includes a range of activities. Through group exercises, participants will define what refugee protection means to them and will brainstorm on refugee protection activities.

Learning objectives

- Identify the international standards that make up the framework for the international protection of refugees;
- Outline refugee rights in international refugee and human rights law;
- Articulate how assistance programmes can enhance refugee protection.

Module 2 - Refugees and Displacement

This module provides a broader context for the many reasons that people are forced to flee their homes and why they have a right to protection. It aims to sensitise participants to the phases of the refugee experience – from flight to return or integration in a new community. The key messages of the module are introduced in a plenary session, and there are group exercises and case studies that draw on the field experience of participants.

Learning objectives

- State some of the reasons why people flee;
- Describe the different phases in the refugee experience;
- Discuss why refugees are of international concern and why they are entitled to international protection;
- Describe the differences in the refugee definition in international and regional standards.

Module 3 - Refugee Situation in Context

This module introduces a tool that participants are encouraged to use to understand how to fully analyse the particular refugee context they are working in and to determine protection roles and responsibilities. After introducing this tool for refugee protection analysis, participants work in groups to apply it to their context.

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This module uses the first part of the tool to look at the context for the refugee situation in the country they work in and to begin to examine the protection needs of refugees in that distinct context. After a brief introductory presentation, the participants work in small groups to describe the refugee population in their area and to assess threats/sources of protection.

Learning objectives

- Be aware of the main characteristics of the refugee groups in the area;
- Know to what extent protection is afforded to these groups.

Module 4 - Refugee Protection: Actors and Roles

This is a highly interactive group-work-based session that engages the participants in producing actor maps for their area. The actor maps will be used throughout the balance of the workshop to reinforce learning about the complementarity of actors.

Learning objectives

- Map the actors that can and do provide protection to refugees;
- Describe the mandated roles of some of the international, national, and non-governmental actors working with refugees;
- List the current protection activities of the actors;
- Describe how working in a complementary fashion improves protection for refugees.

Module 5 - Programming and Protection

Through case studies, participants will describe some of the negative and positive effects that protection programming can have in a refugee situation. They will describe some of the factors that influence programme decisions and suggest how to adjust programmes with a view to improving refugee protection.

Learning objectives

- Identify some of the negative and positive effects that programmes can have on the protection of refugees;
- Describe some of the factors that influence programme decisions;
- Describe factors that determine the protective character of a programme;
- Identify ways to adjust programmes to improve refugee protection.

Module 6 - Individual Arrival

Participants will understand the specific protection concerns arising in individual-arrival contexts and will identify which actors have primary responsibility for refugee protection. This is a trainer-led module with a fairly extensive presentation and an immediate opportunity to apply this knowledge through a case study.

Learning objectives

- Identify the key protection concerns of asylum-seekers who arrive individually;
- Identify standards for fair refugee status determination (RSD) procedures.

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Module 7 - Mass Arrival

Based on a role play, this module provides participants with an opportunity to look at how the different actors in a mass-arrival context need to work together to provide refugee protection. The trainer will give a brief introduction to the key protection concepts, and then participants will play a role in a simulated negotiation on the case study of Boringia.

Learning objectives

- Identify some of the key protection concerns that arise in situations of mass arrival as opposed to individual arrival;
- Identify who is responsible for protecting refugees in this situation and develop views on how these actors should work together.

Module 8 - Vulnerable Groups

This module places an emphasis on group work to raise awareness of, and pool the knowledge of participants on the specific protection issues that arise for women, children, the elderly, and the disabled. The group-work exercise explores the specific protection entitlements of refugee children and adolescents and encourages participants to extrapolate from their own understanding of who has duties towards this population and what makes them different from an adult population in need of protection. The group work on refugee women uses a series of “refugee women statement” cards to get participants to identify why refugee women have special protection needs and what their entitlements are.

Learning objectives

- Identify different groups of people who may have specific vulnerabilities;
- Identify some of the specific protection needs of refugee children, adolescents, and women;
- Identify some of the specific rights of refugee children and women.

Module 9 - Durable Solutions

This is a key concept in refugee protection and, because of this, there is a fairly detailed presentation on what is meant by the three durable solutions. Following this, the participants build on group work from the Boringia case study in Module 8 and explore options for voluntary repatriation or integration. Alternatively, participants can brainstorm or take part in role plays on the durable solutions that would be preferred by different segments of a refugee population (e.g., a refugee woman) or by the actors (e.g., the host country, the UNHCR, etc).

Learning objectives

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

Module 10 – Action-Planning

In this final module, participants are encouraged to bring the lessons learned throughout the workshop on protection standards; protection gaps and opportunities; roles and responsibilities, etc., to develop a plan for future action. This is based on group work. The final part of this module includes an opportunity for the participants to decide on how they might communicate and network with each other after the workshop.

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Learning objectives

- Formulate a list of areas for action to improve refugee protection in their context;
- Create a proposal for the next step they will take immediately after the workshop;
- Commit to circulating the findings of the workshop within their networks;
- Identify a fellow participant they will contact in the near future to discuss how implementation of the action plan is going.

Optional Module - Gender-Based Violence (GBV)

This module is designed to increase **field staff awareness, knowledge, and understanding** on gender-based violence and aims ultimately to contribute to the effective protection of refugees and internally displaced persons (IDPs). Given the level and the targeted audience, facilitators have the flexibility to build a tailored session by using the handouts gathered at this end of this module. Those handouts provide practical information, figures, case studies, and lessons learned. By all means, we encourage facilitators to adapt this module to the needs of the participants and their specific context.

Learning objectives

- To raise awareness of gender-based violence (GBV);
- To get participants to reflect on the link between GBV and protection in a given context;
- To discuss/share responses, strategies, and support mechanisms to reduce and respond to incidents of gender-based violence, including sexual exploitation and abuse incidents.

Optional Module - Internally Displaced Persons (IDPs)

This module was developed by the Norwegian Refugee Council's Global IDP Project in order to address the need, identified by the Reach Out project, to provide content on the commonalities and differences between the IDP and refugee protection regimes.

The module is divided into three sections. Section 1 explores the UN definition for IDPs and the differences between this definition and that for refugees.

Section 2 explores roles and responsibilities in relation to IDPs, whilst Section 3 outlines the genesis, structure, and status of the Guiding Principles on Internal Displacement.

Learning objectives

- Outline the key components of the IDP definition;
- Outline who has a role and responsibility in relation to the protection of IDPs;
- Describe how the Guiding Principles can be used a framework for protection;
- Compare the protection frameworks for refugees and IDPs.

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The Structure of the Modules

Each module provides a **summary** that contains the overall description of the aim and content of the module.

The **learning objectives** explain what a participant is expected to know, do, or understand by the end of the session.

The **key messages** relate to the **essential** points that should be reinforced throughout the session. These can also provide valuable messages for wrapping up sessions or activities.

Preparation relates to the key practical things that a trainer should ensure are done **prior to running a session.** There may be additional preparation in terms of research, reading, and creating additional contextual materials that the trainer needs to do **prior to the workshop**.

The **module breakdown** shows, at a glance, the order of the activities planned for the session, giving the timing, methods, and resources needed for the session.

The **sources** that appear in certain sessions are useful reading material for the trainer to investigate **before** running the workshop. In some cases, materials used in the session have been taken from the sources.

Activities describe how to run the different components of a session. They give step-by-step instructions for exercises and provide background notes for the presentations. However, it is not necessary for a trainer to take the instructions too literally. It is always important for trainers to make training materials their own. This may include resequencing presentations, adapting group exercises, using contextually specific case studies, and so on.

Notes to the trainer provide guidance, based on experience of running the modules, on issues to anticipate or brief tips on different alternatives.

Optional activities are activities that have been included to enrich the training materials and provide alternative suggestions for achieving the objectives of the session. Trainers should select options where appropriate based on the level of their groups and the context in which they are working. Trainers should also feel free to introduce new material.

Trainer guidance provides examples of output for group exercises. They are based on the results of previous workshops and can be useful to consult when running feedback sessions in order to supplement the groups' work.

At the end of each module, you will find the **cases or exercises** for use during the session. These can be adapted to suit the context or audience needs. There are also some additional examples of case studies in the next section, "Preparing for a Workshop".

Handouts on refugee protection common to several training modules are contained in the **Handouts on Refugee Protection**.

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Preparing for a Workshop

Adapting materials

It is important to view the training tools as a resource and not as a must-do manual. Although all the sessions have been tried and tested in many different contexts and with a variety of actors, the materials will always need some level of adaptation to suit your specific audience or context. Reach Out not only recognises the need for amending materials but strongly advises that trainers think carefully about how to structure the materials for their audience.

Flexibility

It is important to have a flexible approach to using the materials. For example, in contexts where power cannot be relied on, it may be worth using a flip chart or similar tool to note the key points from the presentations. Be flexible in selecting the types of training tools and approaches you use according to your resources.

External resource people

External resource people can provide valuable specialist knowledge on the context and the refugee situation. They may also be useful in delivering specialist sessions such as those that contain legal references.

In addition, external resource people can provide a welcome change to the familiar faces of the trainers. It is essential to decide in advance which session(s) or parts of sessions where it might be useful to use an external resource person. Identify who may be suitable, and book them well in advance. Send a brief for what you expect them to do, and be sure to meet them face to face a day or two prior to their session.

Module 4 - The Refugee Situation in Context is a useful session to invite someone who knows the situation and the country context.

Advance research

It is always important to be as familiar as possible with the issues your audience are facing. Even when you are working in the situation yourself, it is important to keep your knowledge current. The following are some tips for research:

- Check the **UNHCR (www.unhcr.ch)** and **ICVA (www.icva.ch)** web sites for an update on key current issues;
- Note in particular any recent **UNHCR EXCOM conclusions** ranging from the General Conclusion on Protection that draws on the Note on International Protection to subject-specific conclusions that cover a whole range of important protection topics (such as women, children, urban refugees, etc);
- Look at the results of the **Global Consultations**, which were an extremely important process in 2001-02, for a review and affirmation of fundamental principles of refugee protection that you might want to know more about;
- Review the most recent information on the **Convention Plus** process, as this is an initiative that directly links a number of refugee protection issues with the humanitarian dimension. The Framework for Identifying Gaps in Protection (January 2005) is an important source at the time of writing, and it is expected that a number of protection issues will continue to be addressed in the next while, such as the recent initiative on resettlement. Watch the Convention Plus space!

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Additional training materials

While there are a huge number of valuable training materials available, trainers using the Reach Out materials may find it particularly useful to consult the following case studies:

Case study: Women & girls

Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action, Inter-Agency Standing Committee, 2002, p. 135-6.

Case Study: Importance of documentation - Croatia

Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action, Inter-Agency Standing Committee, 2002, p. 142 -3.

Case study: Family reunification - Rwanda

Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action, Inter-Agency Standing Committee, 2002, p. 164.

Case study: Partnering for human rights reporting - Sierra Leone

Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action, Inter-Agency Standing Committee, 2002, p. 30-1.

Case study: Rohinga refugees 1992 - 1996

Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response, Training Materials, see www.sphereproject.org.

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Agenda for a 3-Day Workshop on Refugee Protection

The following agenda provides an example of how you might structure a three-day workshop using the Reach Out training materials. It is intended as guidance only, as it is important that trainers plan with their own target audience in mind.

Workshop objectives

By the end of this workshop, participants will be able to:

- Explain the human rights foundations and basic concepts of the international refugee protection system;
- Outline internationally accepted refugee protection tools;
- Describe the various actors involved in refugee protection;
- Identify some of the particular protection needs of specific groups such as refugee women and children;
- Suggest solutions to some refugee protection problems;
- Work towards improved cooperation between actors with different roles in protection.

Suggestions for the facilitators

- Agree the agenda with the participants in the introduction, and then keep it flexible in response to their feedback.
- Keep a ”suggested actions” sheet running throughout the entire workshop. This sheet can be a flip chart on the wall where all the suggestions generated in discussions and group work for improving refugee protection in the context can be collected. They can then be addressed in the action-planning session.
- Keep a ”park sheet” running throughout the workshop. This can be a tool for controlling discussions and managing time, since you can ”park” tangential questions and issues that there is no time to address on this sheet. The topics on the park sheet can be reviewed in the morning review or researched after the workshop and answers communicated to interested participants by e-mail.
- Throw in energisers as and when needed to keep the group active.
- You may arrange a group meal on the second or last night to allow the group to bond. The schedule has been arranged to allow for an early evening.

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Day 1	
08h30 - 09h15	Introduction to the workshop and Reach Out
09h15 - 10h45	What Is Refugee Protection?
10h45 - 11h00	*Break*
11h00 - 12h30	Refugees and Displacement
12h30 - 13h30	**Lunch**
13h30 - 15h00	The Refugee Situation in Context
15h00 - 15h15	*Break*
15h15 - 16h45	Refugee Protection: Actors and Roles
16h45	Daily evaluation
Day 2	
08h30 - 08h45	Daily review
08h45 - 10h15	Programming and Protection
10h15 - 10h30	*Break*
10h30 - 13h00	Individual Arrival
13h00 - 14h00	**Lunch**
14h00 - 15h30	Mass arrival
15h30 - 15h45	*Break*
15h45 - 17h15	Vulnerable Groups
17h15	Daily evaluation
Day 3	
08h30 - 08h45	Daily review
08h45 - 10h15	Durable Solutions
10h15 - 10h30	*Break*
10h30 - 13h00	Optional Module: Inernally Displaced Personss or Gender-based Violence
13h00 - 14h00	**Lunch**
14h00 - 15h30	Action-Planning
15:30	Closing remarks and final evaluation

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Agenda for a 5-Day Training-of-Trainers (ToT) Workshop on Refugee Protection

Reach Out's objectives

- Enhance refugee protection awareness, knowledge, and skills of field-based humanitarian workers with programme responsibilities;
- Improve understanding of, and cooperation between, participants and the UNHCR;
- Improve protection of refugees.

Training-of-Trainers course objectives

By the end of this workshop, participants will be able to:

- Understand how to train others using the Reach Out training materials;
- Be familiar with the Reach Out training materials and the Training Kit;
- Explain the human rights foundations and basic concepts of the international system for refugee protection;
- Outline internationally accepted tools for refugee protection;
- Describe the various actors involved in refugee protection;
- Identify some of the particular protection needs of specific groups such as refugee women and children;
- Suggest solutions to some refugee protection problems;
- Work towards improved cooperation between actors with different roles in protection.

This agenda is built on the basis of eight-hour training days, including two 15-minute breaks and a one-hour mid-day break. The schedule is set according to sessions, and the trainer will need to adjust the content of each session according to the needs of the participants. The three-day agenda should guide the trainer on the approximate time needed to deliver each module, and this five-day agenda follows the suggested training times for each module. However, the trainer may need to take more time for some of these modules to ensure that those being trained as trainers have adequate time to discuss the learning objectives for each module. For this reason, after each block of modules, time has been built in to give the trainer an opportunity to review with the group any training-related issues that the modules raise for them.

Suggestions for trainers

Agree the agenda with the participants in the introduction, and then keep it flexible in response to their feedback.

Keep a "suggested actions" sheet running throughout the entire workshop. This sheet can be a flip chart on the wall where all the suggestions generated in discussions and group work for improving refugee protection in the context can be collected. They can then be addressed in the action-planning session.

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Keep a "park sheet" running throughout the workshop. This can be a tool for controlling discussions and managing time, since you can "park" tangential questions and issues that there is not time to address on this sheet. The topics on the park sheet can be reviewed in the morning review or researched after the workshop and answers communicated to interested participants by e-mail.

Throw in energisers as and when needed to keep the group active.

Arrange a group meal on the second-to-last night to allow the group to bond.

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Sample agenda used in Uganda in May 2005

TIMING	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday
8.30 to 8.45	PARTICIPANTS' ARRIVAL	*Official opening*	*Review & Feedback*	*Review & Feedback*	*Review & Feedback*	*Review & Feedback*
8.45 to 10.30		*Introduction of all* **Introduction to Reach Out Project**	**Role, mandate and activities of UNHCR**	**What is refugee protection?✸**	**Programming and protection & Refugee protection analysis ✸**	**Protection rights related to gender and age✸**
				👁 Peer Review	👁 Peer Review	👁 Peer Review
30'		*Break*	*Break*	*Break*	*Break*	*Break*
11.00 to 12.45		**Introduction to the TOT** Methodology for the ToT	**The refugee situation in context**	**Refugees and displacement ✸**	**Individual arrival ✸**	**Gender-based violence**
			Daily evaluation	👁 Peer Review	👁 Peer Review	Feedback on module
12.45 to 13.45		**LUNCH**	**LUNCH**	**LUNCH**	**LUNCH**	**LUNCH**
13.45 to 15.30		**Adult Learning & Training**	*Preparation for facilitation practice*	*Preparation for facilitation practice*	**Internally displaced persons**	**Durable solutions ✸**
						👁 Peer Review
30'		*Break*	*Break*	*Break*	*Break*	*Break*
16.00 to 17.45		**Adult Learning & Training**	*Preparation for facilitation practice*	**Refugee protection: actors and roles ✸**	**Mass arrival/ influx ✸**	**Action planning**
				👁 Peer Review	👁 Peer Review	*Final Evaluation End of the TOT*
17.45 to 18.00	19.00 *Diner offered by Reach Out*	*17.30 to 19.00 Cocktail with officials, hosts, participants & Reach Out team*		*Daily evaluation*	*Daily evaluation*	
					19.00 - Diner offered by Reach Out	

✸: Sessions led by participants (groups of 2)
Peer Review: *15 minutes debriefing*

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Daily Evaluation Form

Please answer all questions as completely as possible. Your feedback is vital to help us improve the training.

Type of session

☐ Workshop	☐ ToT	☐Senior manager

Tick according to your personal rating, where 5 is excellent; 3 is average; 1 is not at all.

Workshop (country, city, date)	
Name (optional)	
I. General comments on the workshop today	
a) The pace of the workshop today was	☐Fast ☐Just Right ☐Slow
b) In terms of methodology, the level of interaction of today's sessions was	☐Too Much ☐Just Right ☐Not Enough
c) How relevant was the content of the presentation given today?	☐5 ☐4 ☐3 ☐2 ☐1
d) How would you rate the materials used today?	☐5 ☐4 ☐3 ☐2 ☐1
e) How did you find the overall quality of the logistics and administration today?	☐5 ☐4 ☐3 ☐2 ☐1
II. Comments on specific parts of the workshop today	
a) Which part(s) of today did you get most out of? Why?	
b) Which part(s) of today could have been improved? How?	
c) Are there any parts of the workshop that left you feeling confused or less confident than before? Explain.	
III. Overall rating	
My overall rating for the today's sessions is	☐5 ☐4 ☐3 ☐2 ☐1
IV. Other comments - Please feel free to make any other remarks overleaf. Thank you.	

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Final Evaluation Form

Type of session

☐ Workshop	☐ ToT	☐Senior manager

Tick according to your personal rating, where 5 is excellent; 3 is average; 1 is not at all.

Subject	Rating	Comments
Workshop objectives have been met	☐5 ☐4 ☐3 ☐2 ☐1	
Your personal objectives have been met	☐5 ☐4 ☐3 ☐2 ☐1	
Relevance of workshop content to your activities	☐5 ☐4 ☐3 ☐2 ☐1	
Methods used (variety, interest)	☐5 ☐4 ☐3 ☐2 ☐1	
Pace and duration of workshop	☐5 ☐4 ☐3 ☐2 ☐1	
Quality of examples used	☐5 ☐4 ☐3 ☐2 ☐1	
Quality and relevance of training material and handouts	☐5 ☐4 ☐3 ☐2 ☐1	
Quality of sessions' facilitation	☐5 ☐4 ☐3 ☐2 ☐1	
Quality of external speakers	☐5 ☐4 ☐3 ☐2 ☐1	
Practical organisation	☐5 ☐4 ☐3 ☐2 ☐1	

2) Which were the most interesting modules? In what way?

3) How do you plan to integrate the tools, knowledge, and lessons learned from this workshop in your work?

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4) What additional information could be added to improve future workshops?

5) Do you think that, based on the knowledge gained in this workshop, there will be a change in relation to coordination between agencies? If yes, in what way?

6) Any other comments?

Thank you for answering this questionnaire. It will help us improve the quality of our training.

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INTRODUCTION TO A REACH OUT WORKSHOP

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Summary

This module is intended to provide participants with **an overview of the content of the workshop**, **the workshop format**, and **the ground rules** for participants in order to ensure that the entire training event runs smoothly.

The module provides an opportunity to review **the objectives of the Reach Out project**, the workshop, and **the background to the development of the workshop**.

To ensure that all participants have realistic expectations about the workshop, it will be important to spend time **matching participant expectations to workshop objectives**.

You will also want to cover any of **the logistical aspects** of running the workshop, including when and how breaks will be taken, any health and safety issues, the location of fire exits, etc.

You should emphasise that it is important for all the participants to show one another **respect** by being on time and also that all those in the workshop are expected to foster an environment where everyone can participate with confidence.

The trainer may wish to allow the participants to briefly discuss what they see as important to **the culture** of the training session.

You may also advise participants about **the materials** they will be given to take home with them and tell them that they will be given guidance on any need for note-taking.

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Learning Objectives

By the end of this session, participants will:

- Outline the purpose of the Reach Out project;
- Appreciate the importance of training on refugee protection;
- Have shared some of their experiences on refugee protection.

Key Messages

- Reach Out is an interagency initiative designed to provide training on refugee protection;
- Reach Out aims to reinforce cooperation amongst actors working in refugee settings at all levels in order to enhance refugee protection;
- Humanitarian actors need to continue to improve their protection skills and to share their experiences on refugee protection after a Reach Out workshop.

Preparation

- **Organise a guest speaker to officially open the workshop.** This could be a senior representative from your own agency, the UNHCR, the hosting agency, etc.;
- **Check that all necessary equipment is working**, such as your laptop and data projector;
- **Find out house-keeping details** from the venue, including the fire drill, the location of the toilets, e-mail facilities, meal and break arrangements;
- **Prepare the symbols** for the introduction exercise;
- **Photocopy the agenda** for all participants.

Introduction to a Reach Out Workshop Breakdown			
Timing		**Method**	**Resources needed**
Welcome and introductions	45'	Symbols exercise	Introduction to Reach Out.ppt
Background and objectives of the workshop	25'	Presentation	*Protecting Refugees: A Field Guide for NGOs*
Workshop overview	20'	Plenary	Agenda
Total: 90 minutes			

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Activity 1 - Welcome and Introductions			
Timing		**Method**	**Resources needed**
Formal welcome to participants	15'	Formal welcome in plenary	Symbols for the introduction exercise
Participant introductions	30'	Introduction exercise	
Total: 45 minutes			

Note to trainer

✓ *Introductions will take approximately 30 minutes when you have 18 participants. The timing obviously varies depending on the number in the group.*

Formal welcome to participants (15 minutes)

Officially open the workshop, welcome the participants, and share some comments on the expectations of the workshop.

Introduce the training team.

Describe your background in relation to refugee protection and training.

Try to create an informal atmosphere by adding some personal details.

Depending on the context, you may wish to **describe your role** as that of *facilitator* rather than *trainer*.

Outline the house-keeping arrangements.

Indicate that this is an **interactive workshop** and that active participation will enhance learning.

Give participants an opportunity to introduce themselves and to tell the group what they do.

Participant introductions (30 minutes)

Put some symbols (such as a globe, a smiley, a tree, etc.) into a container. There needs to be two of each symbol and enough for each participant to have a symbol.

Ask participants to pick out a symbol and then find the other person who has the same symbol.

They should interview one another to find out each other's name, organisation, role, experience in refugee protection, expectations from the course, and hobbies.

Allow 10 minutes for interviews, and then **ask participants to introduce** one another in plenary.

Record the expectations on a flip chart to compare with the workshop objectives in the workshop overview.

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Activity 2 - Background and Objectives of the Workshop			
Timing		**Method**	**Resources needed**
The Reach Out project and the objectives of the workshop	**25'**	Slide presentation	Introduction to Reach Out.ppt
Total: 25 minutes			

Note to trainer

- ✓ *Use the following full text as your background to address the points summarised in the slides.*
- ✓ *Explain the points, allowing time for discussion, or **ask a participant** to read the slide aloud.*

Slide presentation (25 minutes)

Slide 1: Introduction to a Reach Out workshop

Slide 2: The Reach Out project

Reach Out's **main activity** is the dissemination of **refugee protection knowledge** by means of workshops targeting mid-level humanitarian assistance practitioners from NGOs, national Red Cross/Red Crescent societies, UN agencies, state representatives, and any other interested organisations.

The following is a **brief history** of Reach Out:

In 1999, the UNHCR initiated a dialogue on protection issues with more than 30 agencies, including the RC/RC and humanitarian and human rights NGOs. This process was an extension of the Reach Out process that the UNHCR had started with states the year before. Amongst other things, the dialogue with NGOs found that there was **a pressing need for more training in the field on refugee protection in the humanitarian sector.** The Reach Out Protection Training series was developed to meet this need.

This training package is based on the **lessons learned** through running many Reach Out workshops and has been designed as a stand-alone training kit that humanitarian agencies can use in their own training initiatives or for interagency training initiatives at the field level.

Slide 3: An interagency initiative

The **key partners** for Reach Out are the UNHCR, host agencies, and the agencies represented in a working group that guided the development of the Reach Out training programme.

Slide 4: Reach Out objectives

The key objectives of the Reach Out project are:

- **To enhance refugee protection awareness**, knowledge, and skills of field-based humanitarian workers in all sectors with programme responsibilities;
- **Improving understanding** of, and co-operation between, participants and the UNHCR; and
- **Improving protection of refugees.**

Slide 5: Improving protection through cooperation

All agencies share in **the overall goal of improving protection for refugees in any humanitarian assistance activities**. The UNHCR has made great efforts over the years to

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improve cooperation between the growing number of NGOs, taking into account their increased role in refugee protection and assistance work. Cooperation can happen when we have a better idea of, and respect for, each other's roles.

Slide 6: Key questions on refugee protection

Use the following questions to provoke discussion and demonstrate the need for the workshop:

- Do we have a common understanding and shared vision of what refugee protection is all about?
- What can NGOs do or do even better?
- What mechanisms can we set up together to facilitate this shared responsibility?
- Apart from direct action on specific questions, are monitoring, reporting, information-sharing, and jointly developed checklists some of the tools to be used for this effort?
- What are the constraints and hurdles we should be aware of and address?
- Are there difficulties rooted in organisational cultures to be overcome?
- Are there special problems arising from accountability for our respective mandates that must be dealt with?"

Note to trainer

- ✓ ***Ask participants*** *to comment on the objectives and ask them if there are any objectives that they think could be stated in a different way to make them clear.*
- ✓ ***Remind participants*** *that the objectives will be revisited at the end of the workshop to see if they have been met.*

Slide 7: Objectives for this workshop

The objectives for the workshop are that, by the end of this workshop, you will be able to:

- Explain the **human rights foundations** and basic concepts of the international refugee protection system;
- Outline internationally accepted **refugee protection tools**;
- Describe the **various actors** involved in refugee protection;
- Identify some of the **particular protection needs** of specific groups, such as refugee women, children, the elderly, and the disabled;
- Suggest **solutions** to some refugee protection problems;
- Work towards **improved cooperation** between actors with different roles in protection.

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Activity 3 - Workshop Overview			
Timing		**Method**	**Resources needed**
Ground rules	10'	Plenary brainstorming	Agenda
Agenda	10'	Introduction to the agenda	
Total: 20 minutes			

Ground rules (10 minutes)

On a flip chart, write the title **ground rules**.

Ask participants how they want the workshop to run. Are there any specific considerations they feel would be appropriate? Examples might include: returning on time from breaks, turning off or silencing mobile phones, being concise when giving feedback, listening to everyone's contributions, and so on.

Add any ground rules that you would like that have not already been suggested.

Introduce the person they can approach with practical concerns, and cover any initial practical or logistical issues that may come up during the course of the workshop.

Let participants know about the following:

Introduce the "park sheet", where **outstanding issues** can be placed for questions and more in-depth discussion at the end of the workshop.

Introduce *Protecting Refugees: A Field Guide for NGOs* (since much of the training programme is based on this book) and bibliographies or materials already in the welcome folder, and tell the participants about how to check for recent information on refugee protection following the workshop (e.g., websites: the UNHCR, www.unhcr.ch; the ICVA, www.icva.ch; Convention Plus processes, etc.).

Explain what will and will not be distributed, so that participants know when they will have to take notes if they want to retain a record. Indicate that, at the appropriate time, you will let participants know that they need to take notes.

Introduce the "ways forward sheet", where participants can note **suggestions for improving** refugee protection in their context.

Introduce the workshop agenda (10 minutes)

The workshop agenda shows a series of sessions that are linked in content and that relate to **the *Field Guide for NGOs*** and **the refugee cycle**.

Participants should bring their own experiences and concerns to discussions, so they can focus the time and energy of the workshop on key issues that they would like to see addressed. To this extent, they can contribute to setting the agenda for key issues discussed at the workshop.

This may be a good time for participants to flag any major practical issues they have.

Refer to the expectations of participants gathered in Activity 1.

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Identify expectations that are unrealistic.

Discuss and clarify other issues as necessary.

Indicate to participants that they will have a chance to revisit these expectations at the end of the workshop. Keep the expectations sheet displayed throughout the workshop and give participants the option to tick off their expectations if they feel they have been achieved.

Outcomes refers to the changes or actions that take place as a result of the workshop. Possible ways forward, suggestions for future action, on a joint basis or otherwise, should be noted as they arise during the workshop on the **ways forward sheet**.

Module 10 is dedicated to reviewing these ideas, adding to them, and doing some very broad group planning at the end of the workshop.

Ask participants to add to or subtract from the possible outcomes listed below:

- Improved understanding;
- Programme-related adjustments;
- Improved coordination;
- Joint initiatives;
- Further training.

Note to trainer

✓ *This session should, of course, be adapted to reflect the **particular needs of the participant group in your workshop**. You should refer to the overall workshop agenda for guidance on what to emphasise in this module.*

Check if any clarifications are needed on any aspect of the session.

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Introduction to a Reach Out Workshop

The Reach Out Project

- Main activity: disseminate refugee protection knowledge;
- Why? Humanitarian NGOs found a need for training;
- Training Kit based on lessons learned from Reach Out workshops held since 2000;
- Website: link to Reach Out on www.icva.ch.

An interagency initiative

Reach Out objectives

- Enhance refugee protection awareness, knowledge, and skills of field-based humanitarian workers with programme responsibilities;
- Improve understanding of, and cooperation between, participants and the UNHCR;

… Improve protection of refugees.

Improving protection through cooperation

- All of us share the goal of improving protection for refugees;
- Increased role of NGOs in protection and assistance work;
- Cooperation improves when we know each other's roles and responsibilities.

Key questions on refugee protection

- Is there a common vision, shared understanding of what protection is?
- What can we do better?
- How can we share this responsibility?
- What are the challenges?
- Does our organisation "do protection"?
- What about accountability?

Objectives for this workshop

- Explain how human rights relate to the international refugee protection system;
- Outline internationally accepted refugee protection tools;
- Describe the various actors involved in refugee protection;
- Identify some of the particular protection needs of specific groups such as refugee women and children;
- Discuss solutions to some refugee protection problems;
- Work towards improved cooperation between actors with different roles in protection.

MODULE 1

WHAT IS REFUGEE PROTECTION?

Summary 1

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Key Messages 2

Preparation 2

Module 1 Breakdown 2

Activity 1 - What Is Refugee Protection? 3

Activity 2 - Defining Refugee Protection in Practice 5

Activity 3 - Refugee Protection Activities 7

Trainer Guidance 1 - Exercise Responses 8

Summary

This module **highlights what is meant by refugee protection**. It provides a foundation for the remaining modules and an opportunity to consider the concept and practical meaning of refugee protection.

There has been much debate about the meaning of "protection" in humanitarian and human rights work. **International human rights, humanitarian, and refugee law** are the main sources used to define protection and also to identify the responsibilities of states, the international community, the UNHCR, and refugees themselves. But, these sources need to be understood and applied in the field in order to have any real effect.

It is important that **a link** be made between **the rights of refugees according to international laws and the assistance activities** that will enhance the protection of these rights.

For example, those responsible for laying out refugee camps or designing food-distribution systems should conduct their work in such a way that they ensure that women are not put at risk and that there is no discrimination in how food is distributed.

The Handout "Defining Refugee Protection" is available in the **Resources and References on Refugee Protection.** It contains **three widely accepted definitions of protection**. It is important to provide all three, as participants need to be aware that different definitions exist in case they come across them.

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Learning Objectives

By the end of this session, participants will be able to:

- Identify the international standards that make up the framework for the international protection of refugees;
- Outline refugee rights in international refugee and human rights law;
- Articulate how assistance programmes can enhance refugee protection.

Key Messages

- Protection includes a range of activities, including assistance activities that are aimed at securing refugee rights;
- Refugee rights are defined in a number of international and regional treaties that provide guidance for humanitarian workers;
- Governments are responsible for the protection of all people on their territory. In reality, however, governments may be unable or unwilling to provide such protection, and they may require the support of the international community;
- Refugees need to be engaged in their own protection. The way in which assistance programmes are managed and implemented can facilitate the participation of refugees and subsequently enhance their protection;
- In order to enhance refugee protection, it is important to determine when an assistance activity might detract from or potentially threaten refugee protection;
- A source of protection may also be a source of threat.

Preparation

- Review "Trainer Guidance 1 - Exercise Responses" in this module and the section "What is international protection?" in *Protecting Refugees: A Field Guide for NGOs*, which provide an overview of what is meant by international protection;
- Gather the contents for the protection box in **Activity 2**; see the **note to trainer** in **Activity 2**.

Module 1 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - What Is Refugee Protection?	**25'**	Presentation	Module1.ppt
Activity 2 - Defining Refugee Protection in Practice	**40'**	Group work	Shoe boxes or plastic bags (one for every five participants) containing items to provoke discussion
Activity 3 - Refugee Protection Activities	**25'**	Brainstorming	Post-it notes
Total: 90 minutes			

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Activity 1 - What Is Refugee Protection?			
Timing		**Method**	**Resources needed**
Brainstorming	5'	Brainstorming: What is refugee protection?	Module1.ppt
Presentation	20'	Slide show in plenary	
Total: 25 minutes			

Note to trainer

- ✓ *Refer participants to the section "What is international protection?" in* Protecting Refugees: A Field Guide for NGOs.
- ✓ *This presentation is not designed to turn participants into legal experts; rather, the point is to cover and discuss some of the basic concepts of protection and legal rights.*
- ✓ *The initial question, "What does refugee protection mean to you?", is designed as an informal start to the session.*

Ask: What does refugee protection mean to you?

Brainstorm in plenary and record the answers on the flip chart.

Slide 1: What is refugee protection?

Slide 2: Objectives

- Identify the international standards that form the framework for the international protection of refugees;
- Outline refugee rights contained in international refugee and human rights law;
- Articulate how assistance programmes can enhance refugee protection;
- Describe activities undertaken by states that can contribute to refugee protection.

Slide 3: Defining refugee protection

International protection includes all of those activities through which refugees' rights are secured. Such activities may include assistance efforts.

In turn, these rights form the basis for how we define refugee protection.

Slide 4: International legal instruments

If protection is about securing rights, it is important to understand where those rights are enshrined. Refugee rights are described in international standards that the participants will likely have heard of, or may have expertise in, and generally include **three main branches**:

- International human rights law;
- International refugee law;
- International humanitarian law.

Each of these branches includes a number of conventions and treaties that, when taken as a whole, define the **bundle of rights** that refugees have.

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Slide 5: International refugee law

For example, the key sources of refugee rights under refugee law include **the 1951 Refugee Convention** and its **1967 Protocol**. These have been interpreted through a number of standards, such as EXCOM conclusions, guidelines, and case law.

Slide 6: International human rights law

Many will be familiar with the **Universal Declaration of Human Rights,** which states that "everyone has the right to seek and enjoy asylum".

International human rights law includes, for example, the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the UN Convention on the Rights of the Child; and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Refugees acquire certain rights under these instruments.

International humanitarian law includes the Geneva Conventions and their 1977 Additional Protocols.

Slide 7: Refugee rights

Most important, these standards include **basic rights** such as:

- The right to seek and enjoy asylum;
- Respect for the principle of *non-refoulement*;
- Non-discrimination;
- The right to freedom of movement.

Slide 8: Additional refugee rights

Other basic rights that refugees **may have access to** are the rights to work, housing, education, public relief, and assistance.

Refugees also have responsibilities; for example, they must not engage in activities that pose a threat to national security or public order.

Note to trainer

- ✓ *Finish by emphasising that whilst **humanitarian workers are not meant to be experts on these rights** and the international treaties they come from, they are expected to be aware that there is a legal framework that guides them in designing, planning, and carrying out their work in the area of protecting and assisting refugees.*
- ✓ *By knowing about these legal standards, the humanitarian worker can identify **who has responsibility to ensure that rights are respected** and provide much-needed support to refugees. This presentation is not designed to turn participants into legal experts; rather, the point is to cover and discuss some of the basic concepts of protection and legal rights.*

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Activity 2 - Defining Refugee Protection in Practice			
Timing		**Method**	**Resources needed**
Group work with protection boxes Feedback An **alternative** is proposed	**20'** **20'**	Group exercise Feedback in plenary	Protection boxes/bags (one for every five or six participants); see **note to trainer** below Trainer Guidance 1 - Exercise Responses
Total: 40 minutes			

Note to trainer

- ✓ *This exercise is designed to help bring some of the refugee protection standards to life. It is perfectly acceptable to add culturally appropriate items.*
- ✓ *It is not intended that every item on the list be included: five to six items per box is enough.*
- ✓ ***Suggestions for items:*** *a family photo with children or a photo of a child; earplugs; a piece of protective plastic; a plastic bag, umbrella, or raincoat; a condom (attention should be paid to cultural sensitivities in the location where the training is taking place before including a condom in the protection box); a passport; post-it notes or pieces of paper (preferably with bright colours) and cello tape; a status letter from the UNHCR; an icon (cross, statue, etc.); a syringe; a stone or leaf (with a label saying that it is from a nature reserve); a list of emergency numbers for the police, first aid, the fire service; the Red Cross emblem, etc.*

Take one of the objects from the protection boxes, an umbrella, for example.

Ask the participants:

- What is the threat? For example, rain, sunshine, hail.
- Who is the protector? The object itself is the protector, but if someone gives it to you, then that person also has a role as protector.
- What does this object suggest to you about protection? An umbrella protects a person from getting wet; that this sometimes needs to be provided by others; that people have responsibilities for their own protection, too.

Group work with protection boxes (20 minutes)

Tell the participants that this is an interactive exercise designed to bring the concept of protection to life and that it allows them to generate a list of activities that demonstrate what protecting refugees means in practice.

Divide the participants into mixed groups of five or six. Give each group a protection box or bag.

Write the following questions on the flip chart or use **Slide 9**.

Slide 9: Group questions

- What is the threat?
- Who/what is the protector?
- What does this object suggest to you about refugee protection?

Ask members of each group to take, in turn, an object from the box, show it to the group, and attempt to answer the questions on the flip chart. The group is free to interject and comment on each item.

A volunteer from each group should **take notes** on the main points of discussion and report back to the group.

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Feedback (20 minutes)

Ask each group to comment on one object, and then check if other groups have anything to add. Record the answers on a flip chart.

An alternative would be to ask each group to identify which object caused the most debate and why.

"Trainer Guidance 1 - Exercise Responses" provides a table of possible answers and key messages. It is not an exhaustive list. Participants will, of course, have different thoughts on protection. Likewise, the sources of threats and protection in each case are open to wide interpretation. There are no right or wrong answers. The point of this exercise is to open discussion and explore the term protection before focusing on an operational definition of refugee protection.

If some of the important key messages do not come out, **ask questions,** such as:

- What did you think of the passport?
- Did the condom make you think differently about protection in any way?

It is also essential to emphasise that **the source of protection can also be a threat.**

Alternative (40 minutes)

An alternative way to run this session is by substituting the objects with short skits, as follows:

- Put the participants in groups of three;
- Ask them to think of a time when they felt protected and to share their stories within their group;
- Each group should choose one of their three stories and act it out in front of the plenary;
- When debriefing after the skits, the same questions can be asked about threats, sources of protection, and what this tells the group about protection.

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Activity 3 - Refugee Protection Activities			
Timing		**Method**	**Resources needed**
The five main modes of action	20'	Brainstorming	Post-it notes
Conclusion	5'	Wrap-up	
Total: 25 minutes			

Brainstorming on refugee protection activities (20 minutes)

Distribute post-its or cards to participants.

Ask them to write as many protection activities as they can think of, using one post-it per idea.

Allow five minutes for individual reflection.

Note to trainer

✓ *The following modes of action are taken* from Strengthening Protection In War, *International Committee of the Red Cross, Geneva 2001, and are also elaborated in Hugo Slim and Luis Enrique Eguren,* Humanitarian Protection: A Guidance Booklet, *Active Learning Network for Accountability and Performance in Humanitarian Action, 2004.*

Slide 10: Five main modes of action

Describe the modes of action.

- **Persuasion**: convincing authorities through further private dialogue to fulfil their obligations and to protect individuals and groups exposed to violations;
- **Denunciation:** pressuring authorities through public disclosure into meeting their obligations and protecting individuals and groups exposed to abuses;
- **Mobilisation:** sharing information in a discreet way with selected individuals, bodies, or states that have influence the authorities to satisfy their obligations and to protect individuals and groups exposed to violations;
- **Substitution:** directly providing services or material assistance to the victims of the violations;
- **Support to structures and services:** empowering existing national and/or local structures through project-oriented aid to enable them to carry out their functions to protect individuals and groups.

Write the modes of action on the flip chart and ask participants to place their post-its with protection activities under the appropriate category.

Negotiate with the group to ensure that activities are allocated under the appropriate category.

Wrap-up (5 minutes)

Wrap up by pointing out how wide and varied protection activities can be, showing that they relate as much to assistance activities as they do to legal processes.

Ask: Which mode of action does your organisation employ principally?

Explain that no one organisation needs to operate at all the levels.

Explain that the concept of protection will be developed throughout the modules.

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Trainer Guidance 1 - Exercise Responses

Object	**Family photo with children, or photo of a child**
Threat	For example, child labour, sexual abuse
Protector	Child protected by the family (and the Convention on the Rights of the Child (CRC)), family unity protected by various conventions, including the CRC and Refugee Convention.
Key messages	• Children and other groups have special protection needs; • The family is usually the best source of protection for children; • The state is responsible for upholding family unity; • In a refugee context, these sources of protection may break down or be seriously challenged, and other actors, including humanitarian workers, will then need to take up the role of ensuring protection of children and family unity.
Object	**Earplugs, umbrella, or raincoat or a small piece of plastic sheeting**
Threat	Physical pain, dampness, discomfort, etc.
Protector	The object, the supplier that provides the object
Key messages	• Protection is an everyday occurrence; • Physical protection is one key component of protection. It is related to physical harm; • In an operational sense, however, we normally consider protection to be linked to human action rather than environmental conditions.
Object	**Condom**
Threat	Sexually transmitted disease (STD)
Protector	The object, if used correctly; the source, if condoms supplied by others
Key message	Protect yourself, responsibility towards others, do no harm.
Object	**Syringe**
Threat	Disease
Protector	The vaccine in the syringe, the nurse giving the injection, the state or NGO that organised and funded the vaccination
Key message	• Everyone has a right to protection (vaccination campaigns should be non-discriminatory); • The issue of drug abuse and protection from misuse of syringes and other medicines designed to protect health can also come up.
Object	**Passport**
Threat	*Refoulement* of refugees, restriction of movement, restriction of access to basic services, etc.
Protector	The state (or representatives of the state)
Key messages	• Identification papers are important for refugees and asylum-seekers. Status, and the paperwork that is testimony to status, can be the key to either national or international protection; • As a passport may show one's nationality, it could lead to certain discriminatory actions on the part of some individuals or government bodies.

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Object	**Suncream**
Threat	Skin cancer, burning, etc.
Protector	The product, or the manufacturer, or the wearer himself or herself
Key messages	• We can be proactive in managing our own protection; • Protectors can be misleading: some suncreams do not filter sunlight as much as they claim to; • Different people may require different levels of protection.
Object	**Status letter from the UNHCR**
Threat	*Refoulement* of refugees, restriction of movement, restriction of access to basic services
Protector	The host country, the UNHCR, the international community
Key messages	• The status recognised in this letter gives the bearer access to the international system for the protection of refugees; • Deterrent against harassment by local authorities.
Object	**Icon (cross, statue)**
Threat	Loss of hope, loss of faith, etc.
Protector	Not the object but a god, or our faith in a god
Key message	• It is not always the object that protects (as with the passport and UNHCR letter) but what it represents.
Object	**Stone or leaf (with a label on it saying that it is from a nature reserve)**
Threat	Destruction, extinction
Protector	The state, the community, the law
Key messages	• Protection extends beyond protection of humans – in fact, protection of the environment is inextricably linked with the protection of humans.
Object	**List of emergency numbers for police, first aid, fire service**
Threat	Emergency situations, such as fire, a severe medical problem, or other danger
Protector	Public services provided to help in emergency situations
Key messages:	• We can protect ourselves by being ready to respond in an emergency; • Protection includes us, and the community can also respond when we are in distress.
Object	**Red Cross emblem**
Threat	Military attack
Protector	Under international humanitarian law (the Geneva Conventions), the Red Cross emblem is protected and affords protection to those using it legitimately.
Key message	• The symbol's use as an instrument of protection depends on the consensus of the global community, which in turn depends on the Red Cross/Red Crescent movements' adherence to their key principles of neutrality and impartiality.

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Module 1:
What Is Refugee Protection?

Objectives

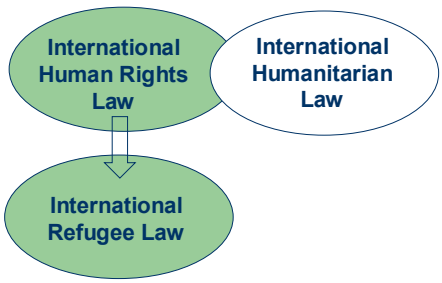
- Identify the international standards that form the framework for the international protection of refugees;
- Outline refugee rights in international refugee and human rights law;
- Articulate how assistance programmes can also enhance refugee protection.

Defining refugee protection

The phrase *international protection* covers the gamut of activities through which refugees' rights are secured.

Source: *Protecting Refugees: A Field Guide for NGOs*

International legal instruments



International refugee law

- 1951 Convention on the Status of Refugees and its 1967 Protocol;

Regional treaties:

- 1969 Organisation of African Unity (OAU) Convention;
- 1984 Cartagena Declaration.

International human rights law

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Social, Economic and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child (CRC);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Refugee rights

The right to:

- Seek and enjoy asylum;
- *Non-refoulement;*
- Non-discrimination;
- Freedom of movement;
- Work.

Additional refugee rights

The right to:

- Housing;
- Education;
- Public relief and assistance.

The obligation to:

- Not engage in activities that pose a threat to national security or public order.

Group questions

- What is the threat?
- Who/what is the protector?
- What does this object suggest to you about protection?

Five main modes of action

- Persuasion
- Denunciation
- Mobilisation
- Substitution
- Support

MODULE 2

REFUGEES AND DISPLACEMENT

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Summary

This module explores **what compels a person to flee**, **why they have a right to cross an international border to seek protection**, **what the obligations are of host states** to offer them protection until a more durable solution can be found, and **what the responsibility of the international community is** to refugees.

It also differentiates between those who flee across an international border and those who are internally displaced in their own country. (Note: **internally displaced persons (IDPs)** are covered in a separate **optional module**).

Participants are asked to think about **what rights a refugee has at each stage of their displacement** from the time they leave home to the time that they return home voluntarily, integrate within the host country, or are resettled in another country. (Note: **durable solutions** are covered in **Module 9**.)

The last part of this module includes **an overview of the variations in the definition of refugees** amongst international and regional standards. It asks participants to identify why these differences exist and what the effect might be in terms of who gets protection as a refugee, depending on the refugee definition relevant to their region.

Finally, participants are asked to review a number of **case studies** to identify who might qualify for protection as a refugee and who might not.

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Learning Objectives

By the end of the session, participants will be able to:

- State some of the reasons why people flee;
- Describe the different phases of the refugee experience;
- Discuss why refugees are of international concern and why they are entitled to international protection;
- Describe the differences in the refugee definition in international and regional standards.

Key Messages

- In order to qualify as a refugee and to receive protection, a person needs to cross an international border;
- Refugees are forced to flee because it is no longer safe for them to stay at home. They may flee for any number of reasons, including persecution, oppression, severe human rights violations, or war or other type of conflict;
- Refugees need international protection because their own government is unwilling or unable to protect them and may in fact be responsible for violating their human rights;
- States, as part of the international community, have agreed to protect those who come to their borders seeking asylum, and they have an obligation to allow refugees to enter their territory and not to turn them back. This obligation is known as the principle of *non-refoulement*, which is an important part of the international system for refugee protection because it is only in very rare and extreme cases that a state can ever justify closing its borders to refugees who seek haven;
- At each displacement stage, refugees are vulnerable to different human rights abuses, and it is important to recognise these patterns and to develop suitable protection responses;
- A *refugee status determination* is used to see if a person needs international protection. The granting of asylum is to be regarded as a friendly act by a state and must be honoured until a more durable solution can be found;
- If a person is forced to flee and stays within the borders of his or her own country, then that person is considered an internally displaced person (IDP). IDPs often have needs very similar to refugees and are of increasing concern to the international community;
- Some asylum-seekers do not qualify for protection as Convention refugees because they have committed serious crimes or other acts. The basis for excluding them is strictly defined in the 1951 Refugee Convention.

Preparation

- **Research which legal standards apply within the country** where the workshop is being held. For example, has the 1951 Refugee Convention been ratified? Would the 1969 OAU Convention/Cartagena Declaration apply? Are there national legal standards governing the protection of refugees?
- If you are not using the slides provided, **write the questions** for **Activity 3** and **Activity 4** on a flip chart;
- **Print "Handout 1 - Case Studies on Refugee Status"** and **paste it onto cards.**

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Module 2 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - The Borderline	10'	Energiser	Module2.ppt
Activity 2 - Overview of Who Is a Refugee	30'	Presentation	Masking tape
Activity 3 - Refugee Status Determination	50'	Group work on case studies	Handout 1 - Case Studies on Refugee Status
Optional Activity 4 - The Phases of the Refugee Experience	20'	Group work on case studies	Trainer Guidance 1 - Analysis of Case Studies on Refugee Status
Total: 90 minutes (without optional activity 4)			

Sources

- *Refugees: Human Rights have no borders*, Amnesty International, 1997 (www.amnesty.org).
- James Darcy, *Human Rights and International Legal Standards: What do Relief Workers Need to Know?*, Relief and Rehabilitation Network Paper No. 19 (www.odihpn.org).
- Hans-Peter Gasser, *International Humanitarian Law: An Introduction*, Henry Dunant Institute, Haupt 1993
- *Protecting Refugees: A Field Guide for NGOs*, Office of the United Nations High Commissioner for Refugees, Geneva 1999.

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Activity 1 - The Borderline			
Timing		**Method**	**Resources needed**
Introduction	10'	Energiser	Masking tape
Total: 10 minutes			

Energiser: The Borderline

One of the **key messages** has to do with **crossing a border from one country into another**. The act of crossing a border means that all sorts of rights are activated.

This warm-up exercise is designed to underline this essential message.

Make a borderline by **drawing a line** with tape or using a string on the floor or by drawing a line on a flip chart. If you use the floor for your border, then get the participants to gather on either side of it.

Ask the participants:

- Why would someone want to move from one side of the border to the other?
- Who is their protector, depending on what side of the border they are on?
- What is the significance of a border to refugee protection?

Gather different responses and emphasise the following points whilst summarising the feedback:

- Refugees would not abandon their homes and flee their country if their most fundamental rights were protected at home;
- **Note that** "everyone shall be free to leave any country, including his own";
- If a person flees to the border of another country, the host country must let them enter. This is part of what we mean by respect for the principle of *non-refoulement*;
- **The crossing of a border is a defining characteristic of a refugee,** as opposed to those who are internally displaced and remain within the borders of their own state. For those forcibly displaced, crossing an international border confers upon them a different legal status;
- Refugees are of international concern because their arrival into another country engages the responsibility of the international community to protect and assist them.

An alternative for Activity 1

Ensure that all participants are out of the training room. Then put a large sign on the door saying "Immigration".

Post yourself as a border guard and ask people why they want to enter the country. Each participant must give a reason for entering the country.

Many of the participants will give answers relating to why refugees flee, but some may also give answers such as tourism or that they are searching for a job.

This is a **fun way** to demonstrate some of the different reasons why people cross borders.

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Activity 2 - Overview of Who Is a Refugee			
Timing		**Method**	**Resources needed**
Who is a refugee?	30'	PowerPoint presentation	Module2.ppt
Total: 30 minutes			

Note to trainer

- ✓ *Participants should be encouraged to closely review **Protecting Refugees: A Field Guide for NGOs**, as it provides a comprehensive discussion of problems that can be encountered at all stages of the asylum-seeking process and gives suggested responses for the humanitarian assistance worker.*
- ✓ *Encourage as much participation as possible throughout the presentation by asking questions and asking for examples from participants' experience to illustrate the points.*

Slide 1: Refugees and displacement

Slide 2: What compels a person to flee?

Recap the reasons for flight that participants provided in the first activity.

Ensure that the following causes are mentioned: war, conflict, breakdown of public order and resulting civil strife, and human rights violations. Inevitably, people flee because they are in danger: if their rights were adequately secured, they should not need to leave everything behind and flee (refer to **"Overview" in *Protecting Refugees: A Field Guide for NGOs***).

Flight is always the last option to escape from threats. Leaving one's country, possessions, friends, and family behind is about the last thing anyone would choose to do.

When someone decides to flee, she or he is afraid and trying to reach a safe and secure area.

Slide 3: Refugees

Thoughts of refugees are often accompanied by thoughts of human rights violations. Refugees would not have had to flee had their basic rights been secured by their own government.

On closer analysis, it becomes apparent that respect for human rights is vitally important in every phase of the refugee experience: to be forcibly displaced is to be denied the most fundamental of our rights.

There are different rights at issue at the different phases of the refugee experience.

Slide 4: The phases of the refugee experience

Provide a comprehensive explanation of each of the following stages.

HOME: see **"Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.***

Persecution, torture, harassment, sexual violence, detention, other violations of human rights and threats to a person's life or liberty **drive people to leave their homes**. These human rights violations may occur during war or armed conflict or during a time of peace.

FLIGHT: see **"Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.***

Arguably, refugees are at their most **vulnerable during the flight stage**, when they are seeking refuge. Women and children are particularly at risk at this stage, often at increased risk of violence,

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sexual abuse, and exploitation in order to gain passage or access to asylum. This is also the time when families may become separated.

Refugee flows are not created in a vacuum, and humanitarian assistance workers will need to be alert to the political and social climate they are working in and refer protection problems to the relevant authorities.

ARRIVAL: see "Arrival" in *Protecting Refugees: A Field Guide for NGOs.*

Upon arrival in another country, **refugees need to be admitted to safety** and allowed to lawfully remain there until a durable solution can be found. They are entitled to a host of rights, and it needs to be emphasised, as noted in "Key Messages", that:

- Granting protection to refugees is not an unfriendly act between states;
- Borders must not be closed;
- Refugees must not be detained;
- Respect for the principle of *non-refoulement* is paramount (this principle is explained in **"Glossary of Key Protection-Related Terms" in *Protecting Refugees: A Field Guide for NGOs*.**

Whilst there are many important points to be made, and close reference should be made to the ***Field Guide for NGOs*, it is important to stress that at the point of arrival**, whether as an individual or in a mass movement, **there are important rights at stake**.

You should also warn the participants that some states may argue falsely that an individual is not a refugee until he or she is formally found to be a refugee through some procedure. They will hear arguments about the difference between asylum-seekers and refugees. Whilst it would be too detailed a discussion to go into for this course, the participants should be made aware that, regardless of their formal legal status as determined by the state, when a person arrives at a border and asks for asylum, they are, for all intents and purposes, a refugee and should be granted access to the rights accorded by the 1951 Refugee Convention.

ASYLUM: see "Asylum" in *Protecting Refugees: A Field Guide for NGOs.*

The right to seek and enjoy asylum from persecution is a fundamental human right (Art. 14, 1948 Universal Declaration of Human Rights).

Asylum or refuge refers to the protection afforded by a state to people from another state who are fleeing from persecution or serious danger and seek to reach safety.

Asylum encompasses a variety of elements, including protection from forcible return to serious danger (*non-refoulement*), permission to remain on the territory of the country of asylum, and humane standards of treatment.

Note to trainer

✓ ***Durable solutions** need to be covered only briefly, as they are explained fully in **Module 9**.*

Durable solutions: integration, return, or resettlement: see **"Solutions" in *Protecting Refugees: A Field Guide for NGOs.***

It must be emphasised that **the international protection afforded refugees is meant to be a temporary substitute for the normal safeguards of national protection**.

International protection includes seeking solutions to refugee problems. These are known as durable solutions and include:

- Voluntary repatriation (return) in safety and dignity to one's country of origin;
- Integration in the host country; or
- Resettlement in another country.

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Slide 5: Who is a refugee?

See **"Who is a Refugee?" in *Protecting Refugees: A Field Guide for NGOs.***

It is easy to think of refugees as men, as it is often the case in individual refugee flows in the industrialised world that refugees are the "male, moneyed and mobile". As we know, however, the majority of refugees are women and children.

Emphasise the definition in the 1951 Refugee Convention, which provides an international legal framework for refugee protection.

Slide 6: Universal refugee definition

There are three key parts to understanding the refugee definition. **Go through the points in the slide** on the 1951 Refugee Convention definition.

The universal refugee definition is a product of its time, with emphasis on the types of persecution that would arise following World War II and the desire to deal with those fleeing en masse after the war. It is typical of international human rights instruments with a strong emphasis on civil and political rights and freedoms.

More-recent human rights treaties attach importance to group rights and economic, social, and cultural rights and to those fleeing widespread civil strife.

There is no generally agreed definition of persecution, but it refers to "serious harm" caused to, or inflicted upon, a person's identity, integrity, security, or freedom.

More-recent regional treaties take a broader approach to who might need protection.

Slide 7: Regional refugee definitions

In response to some of the weaknesses in the 1951 Refugee Convention's definition of a refugee, **several regional refugee definitions have emerged**. These regional instruments include broader definitions of situations people flee from that qualify them as refugees.

The 1969 Organisation of African Unity (OAU) Convention provides a broader definition of when someone is considered a refugee. This is a legal obligation binding upon states in Africa that have ratified the Convention.

Most Central American states have incorporated the broader 1984 Cartagena Declaration definition into their national legislation, despite the fact that it is not legally binding.

In this sense, the spirit of these regional instruments is the same as for the 1951 Refugee Convention: when national protection breaks down, anyone has the right to seek international protection elsewhere.

A key difference between the regional definitions and the universal definition is that, under the universal definition, a whole group of asylum-seekers may be declared *prima facie* refugees. This means that they are considered, on a collective basis, to be refugees since they have all fled for similar reasons, for example, general violence. Good examples include Somalis and Sudanese who fled into Kenya at the height of the civil war in their respective countries, as well as Angolans who fled into Zambia at the height of the civil war in Angola. The regional refugee definitions have come into existence to respond to new forms of refugee flows that were often the result of armed conflict in the country of origin.

The OAU Convention pays specific attention to the concepts of asylum and international responsibility-sharing, calling on other states in the region to help support the country of asylum, where large refugee numbers place a strain on this state.

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Activity 3 - Refugee Status Determination (RSD)			
Timing		**Method**	**Resources needed**
RSD	20'	Option A - Plenary discussion	Module2.ppt
Conclusions	30'	Option B - Group work Feedback in plenary	Handout 1 - Case Studies on Refugee Status Trainer Guidance 1 - Analysis of Case Studies on Refugee Status
Total: 50 minutes			

Note to trainer

- ✓ ***RSD*** *concerns the process through which an asylum state and/or the UNHCR apply criteria in accordance with a specific refugee definition to a person who makes a claim for refugee status (such individuals are known as refugee claimants or asylum-seekers).*
- ✓ *This exercise is designed to give participants a sense of why people flee, who is and who is not a refugee, and to recognise that in some regions the technical definition of* ***who is a refugee*** *is much broader than the international definition. It is not designed to teach them to become RSD experts.*

Option A: Plenary discussion (20 minutes)

Distribute "Handout 1 - Case Studies on Refugee Status". **Write the questions (see Slide 8)** on a flip chart or **use Slide 8**. **Select a case** and pose the questions.

Slide 8: Refugee Status Determination cases

- What are the key facts in the case?
- Is this person in need of international protection?
- Does the person fit the 1951 refugee definition?
- Does the person fit any other definition?

Discuss these questions in plenary before moving on to another case.

Ask which cases the group would like to examine. **Spend** approximately 10 minutes per case. It is not necessary to cover all the cases. **Use "Trainer Guidance 1 - Analysis of Case Studies on Refugee Status"** to inform the discussion.

Option B: Group work (20 minutes)

Divide the participants into groups. **Distribute "Handout 1 - Case Studies on Refugee Status"**. **Allocate** two cases per group and pose the same questions as in **Option A**. **Allow** 20 minutes for discussion before taking feedback. **Ask** the groups to record their answers on a flip chart.

Options A & B - Feedback and discussion (30 minutes)

Invite one of the groups that worked on each case to present its conclusions. For each case, field reactions from the floor and wrap up the discussion by providing extra information, as needed.

You should aim to allow no more than three minutes of **wrap-up** and **discussion** per case. Use "**Trainer Guidance 1 - Analysis of Case Studies on Refugee Status"** to inform the discussion.

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Optional Activity 4 - The Phases of the Refugee Experience			
Timing		**Method**	**Resources needed**
The phases of the refugee experience	15'	Build on Activity 3, Group work	Module2.ppt Handout 1 - Case Studies on Refugee Status
Feedback	5'	Feedback in plenary	
Total: 20 minutes			

Note to trainer

- ✓ *This exercise is designed to get participants to quickly identify some of the protection issues that emerge at each stage of the **refugee experience** – from flight to durable solutions. It should reinforce the points raised in the presentation.*
- ✓ *Use the **case studies on refugee status** from **Activity 3** to reinforce the points.*

Group work (15 minutes)

Divide participants into groups of three or four.

Ask each group to examine a case.

Ask them to answer the following questions, **using Slide 9** or **writing** them on a flip chart.

Slide 9: Short cases on refugee status

- What phase of the refugee experience are the people in?
- What threats are these people facing?
- Who or what should protect or assist them?

Feedback (5 minutes)

Ask each group to comment on one card in plenary.

Ask if other groups have any comments to add.

Stress that the important issue is to recognise the **different vulnerabilities** that may occur at each phase of the refugee experience.

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Handout 1 - Case Studies on Refugee Status

Case A

A is a young woman who has left her country, which has been involved in a widespread violent civil war for the last decade. She belongs to the clan of the former president, who was ousted in September 1998. At that time, armed groups belonging to rival clans were terrorising the area where she and her husband lived. In October 1998, her husband was killed during shelling. In late January 1999, a gang from a rival clan broke into her house and plundered it, as well as the houses of neighbours. They stole property, but, as A had run away, she was not harmed. She went to an uncle who lived in a town near the border. Though the area was relatively more peaceful, clan rivalry was still present and increasing. The civil war was spreading, and her uncle was conscripted into the clan's armed militia. After a particularly bloody clash near the town, A decided to leave her country and crossed the border to a neighbouring country.

Case B

B is a young widow. Her husband died from AIDS, but the reasons for his death were not disclosed. According to local traditions, widows don't remain alone, so her family told her to remarry and has been putting more and more pressure on her to do so. A recent medical examination revealed that she is HIV-positive. B doesn't want to remarry because of her disease, but she can't share this concern with her family, as it would expose her to an even harsher reaction. She doesn't know how to solve this dilemma. One day, an old friend from school who has been living for some time in a foreign country invites her to visit. B travels without her family's approval. Once there, she wonders if she should try to start a new life in this country, far from family pressure, and maybe with the possibility to get medical treatment.

Case C

C is a 17-year-old boy who arrived several months ago at a refugee camp after fleeing from a vicious and bloody conflict in a neighbouring country. The camp is host to some 4,000 people, of whom about 80 per cent are women and children. He came together with about 200 armed male teenagers and young men. They said they were deserting en masse from their army, where forced conscription is commonplace. Upon receiving instructions from the host country's security forces, the deserters handed in their weapons. However, reports from women in the camp show that, since the arrival of these young men, there has been an increased incidence of violence in the camp and evidence of small arms. In addition, there have been reports that some men are using the camp as a base for cross-border military sorties. C is found to be sharing a shelter with others who have weapons, but he insists that he is not involved in military activity.

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Case D

D is a middle-aged man who leads an ethnic minority striving for self-determination by peaceful means. The ruling elite consider D a dangerous political opponent. Nine months ago, he was arrested during a protest rally in the centre of a provincial town, detained without trial, and forbidden legal counsel. During interrogation sessions, he was subjected to various types of torture. Fellow activists engineered his escape from prison and took him to an isolated region in the mountainous northern part of the country. D has been hiding there ever since.

Case E

E is a young woman who was at home when armed forces from a hostile neighbouring country stormed her village. Their mission was to take control of the entire area, which had long been disputed by the two countries. At the time of the raid, the woman and her two younger brothers were present. The two brothers were tortured and hacked to death in front of her. She was gang-raped by soldiers and eventually passed out. Some neighbours brought her to the hospital after the soldiers had gone. Afraid to return to her home because of the fighting there, the woman crossed the border into a third neighbouring country.

Case F

F works as a technician at a car-assembly plant and is a sympathiser of an illegal trade union. Trade unions are generally considered to regroup outlawed opposition groups. Some of his friends from school are members of an opposition party, and they would sometimes discuss politics together. F has also delivered some pamphlets for them. Since his wife had become increasingly worried, he ended these activities three years ago. He did not renew his membership of the trade union thereafter. Last year, one of his friends was arrested and never seen again. F was never called in for questioning. He decided to leave when his great-aunt sent him information on overseas employment opportunities. His wife and two children remained whilst awaiting further developments.

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Trainer Guidance 1 - Analysis of Case Studies on Refugee Status

Case A

Key facts	Key points for analysis
• Presence abroad; • Alternative of internal flight; • Civil war, general violence within A's country; • Persecution of family members and attacks on surrounding villages; • Imputed political opinion: A may be perceived as a supporter of the former president; • Ethnic clashes between different clans; • Lack of state authority and state protection; • Persecution carried out by non-state actors.	• Persecution within a context of general violence/civil war; • Under 1951 Refugee Convention, persecution for imputed political opinion and/or race; • Fear of persecution need not require demonstration of actual personal persecution; • Absence of national protection can be presumed in view of absence of effective state control over territory; • Under OAU Convention (if person is in Africa), need only demonstrate general violence in part of the country; • Severe discrimination on an ethnic basis, but not all members of A's clan have been individually attacked; • A has not been individually targeted: she is not a victim of persecution; • Death of A's husband is not in itself persecution but rather a result of civil war; • However, widespread violence was a continuous threat to A's life and security; • A was unable to live undisturbed in another part of her country; • A does not qualify as a refugee under the 1951 Refugee Convention, but she does need international protection and would qualify under the broader 1969 OAU and 1984 Cartagena refugee definitions, including under the UNHCR's mandate (see "Who is a Refugee?" in *Protecting Refugees: A Field Guide for NGOs*).

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Case B

Key facts	Key points for analysis
• Discrimination against women living alone or with HIV/AIDS; • Constraint coming from the family (not the authorities), but which seems accepted by society as a whole, but with what repercussions? • Unsolvable personal situation: refusing to remarry is impossible, whilst remarrying means infecting someone with HIV, as B cannot reveal her medical status; • Is there state protection against forced marriage? • Is there protection against the transmission of HIV/AIDS, e.g., are condoms socially acceptable, available? • Is medical treatment available in the country of origin?	• Absence of state protection is the issue rather than persecution by non-state actors; • Forced marriage may be considered gender-based violence; • Where there is no state protection against forced marriage, there are grounds for refugee recognition; • Some countries with restrictive interpretations of the 1951 Refugee Convention will offer humanitarian status to avoid sending someone back to a place where there are inadequate health facilities; • Some countries have an elaborated jurisprudence with respect to gender-based persecution (Canada, for example) and could grant her refugee status; • Other countries wouldn't deport her to a country where there is no adequate treatment for people with serious illnesses (France, in certain cases). In such countries, B could be granted asylum on humanitarian or medical bases (but not on the basis of the 1951 Refugee Convention).

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Case C

Key facts	Key points for analysis
• C is a child combatant. He is a minor under most countries' laws (but not in the United States, where an adult is anyone over 16 years of age); • C is abroad. It is unclear if he criss-crosses the border between the country of refuge and his own country; • C was a soldier, but he deserted; • C was forcibly conscripted; • C has laid down his arms.	• C was part of a larger group of refugees, who were collectively determined, at first glance, to be *prima facie* refugees. In situations of mass influx, individual screening is not feasible. Refugee status is, however, forfeited, when any of the exclusion clauses apply. Taking up arms is tantamount to losing international protection and benefits as refugees; • Only disarmed soldiers, i.e., non-combatants, can avail of asylum. Asylum is a civilian, non-political act and is not to be regarded as a cause of tension between states; • Recruitment of child soldiers (minors under 15 years of age) is prohibited under international law: Art. 38 of the 1989 Convention on the Rights of the Child, Art. 77 of the 1977 Additional Protocol I to the 1949 Geneva Conventions. See also the UNHCR Refugee Children Guidelines, p. 85-86; • It is the responsibility of the neutral host country, under international humanitarian law, to disarm and intern combatants in a location separate from civilian refugees. See Arts. 11-12. of the 1907 Hague Convention V: "when receiving belligerent troops, the neutral power shall intern them in places set apart, as far a possible, at a distance from the theatre of war. It shall supply food, clothing and relief to the interned"; • The best-interest principle of the 1989 Convention on the Rights of the Child is the overriding guideline to incite C to resume a civilian life. The whereabouts of his family members should be immediately traced; • C is a deserter. Desertion is a common-law offence that is punishable in most countries. Desertion in itself does not constitute individual persecution. Depending on the specific circumstances of his case, C may fall within the individual 1951 Convention definition, e.g., if he will risk life-threatening harm should he be sent back to his country (see "Frequently Asked Questions" in *Protecting Refugees: A Field Guide for NGOs*). • Unless the contrary, i.e., exclusion, is proven, C is entitled to international protection as a refugee under the 1969 OAU Convention.

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Case D

Key facts	Key points for analysis
• Arbitrary arrest; • Lack of a fair trial; • D is not allowed to have legal counsel;. • A case of a leader of the political opposition using non-violent means; • Minority group; • Victim of torture.	• D remains inside the boundaries of his country. He is internally displaced without a reasonable alternative for internal relocation. D is not able to continue to take part in public life whilst hiding in the mountains; • D has been subjected to systematic persecution: the prohibition of torture is absolute. Freedom from torture is a non-derogable human right, which means that it applies under all circumstances. The persecution is perpetrated on cumulative grounds: for political and ethnic reasons; • He is, in effect, barred from seeking asylum in another country; • If he were outside his country, he would be a refugee under both the 1951 Refugee Convention and the 1969 OAU Convention definitions.

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Case E

Key facts	Key points for analysis
• Armed conflict between two countries; • E and her brother are not taking part in the hostilities; they are civilians; • Repeated outrages upon E's physical integrity; • E needs specialised rehabilitation services for trauma; • Two close family members are severely mistreated and murdered; • E's government has been unable to guarantee her security; • E is abroad and has crossed an international border.	• E repeatedly suffered severe persecution; • Rape and similar outrages upon a person's personal integrity are prohibited under all circumstances (common Art. 3 of the 1949 Geneva Conventions), including during armed conflict. Rape is a war crime and, if perpetrated as part of an orchestrated widespread campaign targeting a segment of the population for political, religious, or racial reasons, it is a crime against humanity; • It is unclear from the facts if the persecution E suffered is specifically targeted against her for reasons of nationality, race, religion, political opinion, or membership of a particular social group; • Most asylum countries will not grant refugee status under the 1951 Refugee Convention on the sole basis of persecution suffered in the context of war, unless it is established that the refugee is part of a population group specifically targeted for not sharing the political interests of one of the warring factions; • E may not qualify as a refugee under the 1951 Refugee Convention but is in need of international protection and would qualify under the broader 1969 OAU and 1984 Cartagena refugee definitions, including under the UNHCR's mandate (see "Who is a Refugee?" in *Protecting Refugees: A Field Guide for NGOs*).

Case F

Key facts	Key points for analysis
• F is befriended by political activists; • Illegal activities; • Arrest of a friend who disappeared thereafter; • Search for a better job.	• F's political activities were marginal. Nothing leads one to think the government was aware of F's sympathies; • He has not been persecuted, nor does he fear persecution; • He is a migrant driven primarily by reasons other than finding refuge from general violence or turmoil; • F is not forced to flee because of a threat to his life or security because of serious disturbances of public order; hence, he is not covered under the 1969 OAU Convention definition.

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Module 2:
Refugees and Displacement

What compels a person to flee?

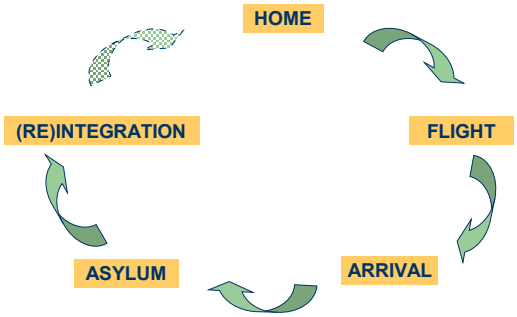
A refugee...

...human rights violations

+

border crossing

The phases of the refugee experience



Who is a refugee?

- Gets confusing as so many people are on the move: migrants, IDPs, refugees, asylum-seekers, etc.;
- Defined in UN Refugee Convention;
- Expanded definition in regional instruments.

Universal refugee definition

According to the 1951 Refugee Convention, a refugee is someone:

- OUTSIDE their country of origin, i.e., crossed an international border
- Who has a WELL-FOUNDED FEAR of PERSECUTION for reasons of:
  - NATIONALITY;
  - RELIGION;
  - POLITICAL OPINION;
  - RACE; or
  - MEMBERSHIP OF A PARTICULAR SOCIAL GROUP.
- With no NATIONAL protection.

Regional refugee definitions

Persons compelled to leave their country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in all or part of their country *(1969 OAU Convention)*

Persons who flee their country because their lives, safety, or freedom have been threatened by general violence, internal conflicts, massive violation of human rights, or other circumstances that have seriously disturbed public order

(1984 Cartagena Declaration)

Refugee status determination cases

- What are the key facts in this case?
- Is this person in need of international protection?
- Does the person fit the 1951 refugee definition?
- Does the person fit any other definition?

Short cases on refugee status

- What phase of the refugee experience are the people in?
- What are the threats facing the people?
- Who/what should protect or assist them?

MODULE 3

REFUGEE SITUATION IN CONTEXT

Summary 1

Learning Objectives 2

Key Messages 2

Preparation 2

Module 3 Breakdown 2

Activity 1 - Overview of the Refugee Situation 3

Activity 2 - Introduction of a Tool for Refugee Protection Analysis 4

Activity 3 - Profiling the Refugee Population in Your Area 6

Handout 1 - A Tool for Refugee Protection Analysis 8

Summary

This module builds on the foundation laid in **Module 2** about who is a refugee, why they flee, and what happens to them before, during, and after flight, as well as upon their return home.

It provides an opportunity for participants to assess the refugee situation they face in their work in a more structured way. It begins to move the discussion from theory to practice.

The emphasis in this module is to explore participants' experience with refugees by examining **the refugee situation in the country** where the workshop is being held.

This module introduces **a tool for refugee protection analysis** that participants are encouraged to use to understand how to fully analyse the particular refugee context they are working in and to determine protection roles and responsibilities. After introducing this tool for refugee protection analysis, participants work in groups to gain an overview of:

- The refugee situation, including what caused refugees to flee to the area;
- Their current experience;
- Who is involved in protecting them;
- Any security, political, economic, or other factors that affect their reception by the host country, the attitude of the government of the country of origin, etc.

"Handout 1 - A Tool for Refugee Protection Analysis" is also useful in additional modules, such as **Module 4** and **Module 5,** and it may also be used as **a framework for action-planning**.

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Learning Objectives

By the end of this session, participants will:

- Be aware of the main characteristics of the refugee groups in the area;
- Know to what extent protection is afforded to these groups.

Key Messages

- Refugees flee for a host of reasons, and each refugee flight has a distinct context;
- The access refugees have to basic services will depend on the context of each refugee flow and the actors involved;
- In order to put in place appropriate refugee protection programmes, the demography of the refugee group/population must be examined;
- Practical issues arise that will define a protection response, such as the type of refugee settlement; the adaptability of assistance to refugee populations, customs, and habits; their mobility in the host country; the legal status granted; and whether they have been issued identity documents, have the right to work, or are provided with access to education.

Preparation

- To give an overview of the country context, you may **invite an external person** to deliver this part of the session. A good example would be representatives from the national government and an NGO in order to get two perspectives;
- **Familiarise** yourself with the following points concerning the refugee situation in the country where the workshop is being held: the profile of the refugee groups (how many, why, demographic breakdown, specific vulnerabilities, the specific protection threats and protection sources), the different actors in the country and the social, political and economic environment. Use "**Handout 1 - A Tool for Refugee Protection Analysis**" as a prompt for further detail that may be relevant to research;
- **Write the questions** for **Activities 1 and 2** on the flip chart in advance.

Module 3 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1: Overview of the Refugee Situation	15'	Plenary talk	Module3.ppt Country map
Activity 2: Introduction of a Tool for Refugee Protection Analysis	20'	Presentation	Handout 1 - A Tool for Refugee Protection Analysis
Activity 3: Profiling the Refugee Population in Your Area	55'	Group work	Stickers, push pins, or markers to indicate refugee communities
Total: 90 minutes			

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Activity 1 - Overview of the Refugee Situation			
Timing		**Method**	**Resources needed**
Presentation	15'	Plenary talk led by trainer or external person	Country map
Total: 15 minutes			

Note to trainer

- ✓ *In this session, it is important to **acknowledge the experience** of participants and to encourage them to see this session as a time for **pooling** their knowledge. You may need to prompt participants and also be aware that they might not all be comfortable speaking due to institutional constraints. It is your role to keep the group concerned with facts and experience and to avoid the politicisation of the session.*
- ✓ *Allow plenty of time for questions and contributions from the group.*

Plenary talk

Using a map of the country, **provide a brief overview of the refugee situation in the area**. If participants find this too simplistic, then ask how it might be different from other refugee situations they are familiar with.

Identify the characteristics of the refugee situation so that the participants can begin to look at what protection responses might be appropriate.

Mark significant places, such as **refugee communities,** on the map and build a timeline of important developments and events on a flip chart.

Write (in advance) the following questions on a flip chart and ask participants to respond to them:

- What caused the refugees to flee?
- When did the various groups of refugees arrive?
- What kind of settlements do they live in now?
- What are the main political, economic, or other factors affecting the refugee situation?

Ask if there are other issues that should be discussed in relation to refugees and their situation in the country.

Summarise the discussion before starting "**Activity 2 - Introduction of a Tool for Refugee Protection Analysis**".

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Activity 2 - Introduction of a Tool for Refugee Protection Analysis			
Timing		**Method**	**Resources needed**
A tool for refugee protection analysis	**20'**	Presentation	Module3.ppt
Total: 20 minutes			

Note to trainer

- ✓ *You should explain that this is a tool that encompasses all the steps for analysing refugee protection. In this session, **"Step 1 - Context"** will be covered, so there is no need to panic!*
- ✓ *Your emphasis should be on highlighting the flow of the analysis on the chart and why it is a helpful tool. It may be overwhelming at first, but show them how it works, how to follow the direction of the arrows, and how each of the four analytical steps – from context to describing activities, effects, and improvements – are linked together.*

Presentation

Slide 1: Refugee situation in context

Slide 2: A tool for refugee protection analysis

Explain by using **Slide 2** or referring to "**Handout 1 - A Tool for Refugee Protection Analysis**" the following key points based on the four steps of analysis:

Step 1 - Context

Who is the vulnerable population?

Identify it, for example, women, elderly people, all the refugees in the camp area, urban refugees, etc. Are some groups more affected than others?

How are they threatened?

For example, are they at risk of being sent back by the host government, is there a conflict in the area, are they not allowed to work, etc.? See the chart for a list of some sources of threats.

Who are the sources of protection?

For example, which actors from the asylum country have responsibility to protect the vulnerable population identified? Are they doing this job according to the appropriate standards for refugee protection?

Note to trainer

*It might be best to walk through one example in plenary, pointing out how you are using the questions and flowchart in "**Handout 1 - A Tool for Refugee Protection Analysis**". This should be like telling a story by using one small example.*

By all means, take more time if needed, as it is important that participants are comfortable with using this chart.

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Step 2 - Activities

What are **my organisation's activities,** and what are **the capacities and limits** of my organisation? Who do **we work with,** and what is **the nature of that relationship**? By describing activities and situating ourselves as part of other activities in the refugee situation, we can begin to identify what effect we are having and who else might have a responsibility for refugee protection in that context.

Step 3 - Effects

What effect do we have on the vulnerable population, on other actors, and on the local environment (socially, economically, and physically)?

By identifying their effect, they are able to **start to analyse their response** to refugee protection needs in the situation they work in and to assess if there are any gaps, harmful effects, or missed opportunities in the provision of refugee protection.

Identify who has responsibility for filling any gaps, stopping harmful effects, and exploiting opportunities.

Identify which refugee protection standards relate to those with responsibilities.

Step 4 - Improvement needed

How can we improve our organisation's protection activities, and how can we develop relationships that will improve refugee protection?

Explain that the goal of the analysis tool is for the participants to look through the refugee protection lens and to apply refugee protection standards to their own work and that of their organisation and to ensure that the responsible actors work according to refugee protection standards.

Explain that the next activity will use **step 1 of the tool**. A simple example in this refugee context using the analytical chart would be as follows in the next activity.

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Activity 3 - Profiling the Refugee Population in Your Area			
Timing		**Method**	**Resources needed**
Instructions	5'	Instructions	Country map
Group work	25'	Group work	Handout 1 - A Tool for Refugee Protection Analysis
Feedback	20'	Report back to plenary	
Wrap-up	5'		Stickers, push pins, or markers to indicate refugee communities
Total: 55 minutes			

Note to trainer

- ✓ *This session is intended to **build on the experience of participants** and to get them to pay close attention to the distinct aspects of the refugee population they are protecting and assisting.*
- ✓ *You may wish to adjust the following questions according to how the groups respond to certain ideas or trigger words. For example, **questions 2 and 3** need not be separated if this seems an artificial distinction.*
- ✓ *Explain that the questions are taken from **"Handout 1 - A Tool for Refugee Protection Analysis"**.*
- ✓ *You do not want the group to focus on identifying potential protection providers or activities at this stage, as they will do so as part of the actor-mapping in **Module 4**.*

Instructions (5 minutes)

Divide the participants into groups of similar geographical area and/or with the same group of refugees. Those working countrywide or with several different refugee groups should choose one area/group for this exercise.

Ask each group to answer the following questions:

1. **Briefly describe the refugee population in your area;**

   For example: the size of the group, demographic breakdown, language, religion, country of origin, ethnicity, etc.
2. **How are they vulnerable?**

   For example: What factors in their demographic, cultural, and social make-up or their background make them more vulnerable than, say, the local population?
3. **What are the threats to their protection?**

   For example: Who or what does/may violate their rights or fail to fulfil them? Are there threats in the context originating from their country of origin, country of asylum, other refugees, the local population, armed groups, NGOs/INGOs/RC?
4. **What are their sources of protection?**

   For example: What refugee legal standards relate to them; who or what is currently mitigating or responding to threats to their protection or is helping to decrease their vulnerability?

Group work (25 minutes)

Tell the groups they have 25 minutes for discussion. They should summarise their thoughts with **specific points and examples as necessary** on flip-chart paper to feed back to the group.

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Feedback (20 minutes)

Give each group approximately five minutes to give feedback to the plenary, commenting and asking questions to clarify for the group as necessary (in particular, ask any key questions that have not been covered).

Record their comments on a flip chart according to the following headings:

- The demographic breakdown;
- The main social/cultural features of each refugee group;
- Practical aspects limiting their protection;
- Extent of access to basic services and to freedom to move within the country;
- Legal norms and institutional mechanisms in place and if delivered.

Wrap-up (5 minutes)

Summarise the key points made by participants in the session, **pointing out** any similarities and/or differences relating to the protection of the various refugee groups.

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Handout 1 - A Tool for Refugee Protection Analysis

Step 1: Analyse the historical and current context

Threats

Are there threats in the context originating from:
- Country of origin
- Country of asylum
- Other refugees
- Local population
- Armed groups
- NGO/INGO/RC activities

Vulnerable population

- Who is affected?
- How are they vulnerable?

Sources of protection

In what ways do these actors offer protection?
- Country of origin
- Country of asylum
- Other refugees
- Local population
- Armed groups
- NGO/INGO/RC activities

Step 2: Describe your activities

Your organisation

What are your capacities and limitations?
- Mandate
- Staff make-up and capacity
- Organisational culture
- Relationship with headquarters
- Resources
- Access

- Why?
- What?
- Who?
- How?
- When?
- Where?

Your relationships

- Who do you work with?
- Who don't you work with?
- How are you perceived?
- What kind of information do you share and how?
- How do you share resources and skills?
- How do you share lessons learned?

Step 3: What are your effects on

The social, economic, and physical environment?

How do you affect trade and production? Politics and participation?

The vulnerable population?

And their prospects for a solution?

Other actors and groups in the context?

Whom have you supported?
Made responsible?
Undermined?
Ignored? Worked with?

Do your activities respond to the protection problems you identified? Are there:

Harmful effects

On the environment, the vulnerable population, or others?

Gaps

In the protection coverage or in your information?

Missed opportunities

Where you could provide protection?

Step 4: How can you improve

Your organisation?

Your activities?

Your relationships?

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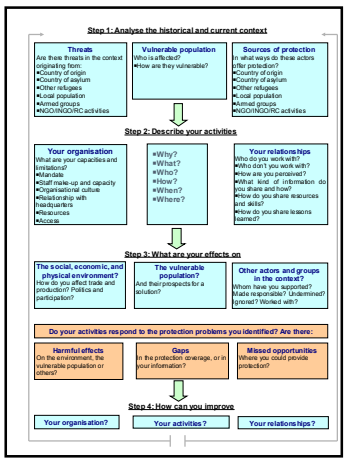
Module 3:

Refugee Situation in Context

A tool for refugee protection analysis



MODULE 4

REFUGEE PROTECTION: ACTORS & ROLES

Summary 1

Learning Objectives 2

Key Messages 2

Preparation 2

Module 4 Breakdown 2

Activity 1 - Mission Statements: Who's Who? 3

Activity 2 - Actor Mandates 4

Activity 3 - Actors and Roles 5

Trainer Guidance 1 - Additional Mission Statements 8

Handout 1 – Actor-Mapping 11

Summary

This module is designed to **describe and differentiate between the actors involved in providing refugee protection**.

The participants will describe the actors on the basis of a number of criteria, such as **their level of operation** – local, national, regional, international – **the mandate** or **particular areas of expertise** that various actors have, and **the links** that exist or should exist **amongst actors** in order to heighten the potential for refugee protection.

An important outcome of this module is to encourage participants to "map" the actors in any given refugee protection situation and to be able to shape views about **the complementarity of actors**.

This is an interactive session that actively engages the participants by getting them to describe their own programmes. Participants produce **actor maps** that will be used throughout the workshop as a key reference point for the need to ensure clear division of responsibility of refugee protection actors and the importance of complementarity.

There is potential in some sessions for tension or controversy to arise given that there will likely be a variance of views on which actor should be doing what, when, and with whom. The facilitator should be alert to this and ensure that due **attention** is paid to these **concerns** and to any **security or confidentiality concerns**.

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Learning Objectives

By the end of this session, participants will be able to:

- Map the actors that can and do provide protection to refugees;
- Describe the mandated roles of some of the international, national, and non-governmental actors working with refugees;
- List the current protection activities of the actors;
- Describe how working in a complementary fashion improves protection for refugees.

Key Messages

- States have the primary responsibility for protecting people on their territory;
- Host communities, NGOs, the media, the international community, and others can all contribute to refugee protection and are often the first to act;
- No single actor is able to meet all protection needs for refugees; therefore, it is in the interest of all actors to work in a complementary fashion.

Preparation

- **Review** the materials in the handouts and annexes relating to actor-mapping and complementarity;
- **Ask participants** to write a one- or two-sentence summary of their organisations' activities/**mission statement** prior to the session;
- **Obtain** a sufficient number of cards or post-its of different colours for the actor-mapping exercise.

Module 4 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Mission Statements: Who's Who?	10'	Plenary exercise	Module 4.ppt Mission statements from participants
Activity 2 - Actor Mandates	10'	Presentation	Trainer Guidance 1 - Additional Mission Statements
Activity 3 - Actors and Roles	70'	Group Work	A container Large post-it notes or coloured paper and tape Handout 1 - Actor-Mapping
Total: 90 minutes			

Source

- "The Challenges of Complementarity", the fourth workshop on protection for human rights and humanitarian organisations, International Committee of the Red Cross, Geneva 2000.

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Activity 1 - Mission Statements: Who's Who?			
Timing		**Method**	**Resources needed**
Defining mission statements	10'	Plenary exercise	Mission statements from participants Trainer Guidance 1 - Additional Mission Statements A container
Total: 10 minutes			

Note to trainer

- ✓ *Before starting the session, ask participants to write a two-line summary of their mission statement or principal activities. They should not identify their organisation.*
- ✓ *Include mission statements of organisations not represented at the workshop but that are present in the context.*
- ✓ *If you need some addition mission or mandate statements, you can find them in "Trainer Guidance 1 - Additional Mission Statements". It is recommended that both the ICRC and UNHCR be included as a matter of course.*

Collect the mission statements in a hat or other suitable container.

Ask a participant to pick one out and read it.

Ask the other participants to guess which organisation the statement refers to. Repeat this about ten times.

If desired, **give points and create** an energised atmosphere.

Inevitably, not everyone will be able to guess whose mission statement is whose – this is an important lead-in to the presentation on mandates and mission statements.

Ask:

- What does this exercise illustrate?
- Did you recognise all the actors?

Conclude by highlighting the importance of understanding one another's roles.

At the end of the exercise, the mission statements can be attached to a flip chart and stuck on the wall for participants to refer to throughout the course.

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Activity 2 - Actor Mandates			
Timing		**Method**	**Resources needed**
Defining mandates	10'	Presentation	Module4.ppt
Total: 10 minutes			

Note to trainer

✓ *This presentation is designed to be snappy. Do not spend too much time in discussion, as there will be plenty of opportunity for this in the following exercise.*

Slide 1: Refugee protection: Actors & roles

Slide 2: Objectives

- **Map the actors** that can and do provide protection to refugees;
- **Describe the mandated roles** of some of the international, national, and non-governmental actors working with refugees;
- **List** the current protection activities of the actors;
- **Describe** how working in a complementary fashion improves protection for refugees.

Slide 3: Responsibilities

Explain that, under international law, it is the state that has the primary responsibility to provide protection and assistance to civilians in their country, as well as to refugees. All other roles and responsibilities are defined in relation to this.

Slide 4: Mandates

Ask participants for examples of each type of mandated agency. Certain actors have an express mandate given to them by states, for example, the UNHCR. Other actors have an express mandate to deal with particular situations, for example, the ICRC in situations of armed conflict. Others, still, have an express mandate for either a specific category of persons, such as the UNHCR and refugees, UNICEF for refugee children, or for particular needs, for example, the WFP for food.

Slide 5: Mandate of the UNHCR

If there are **UNHCR** representatives, **ask them to elaborate on their role**.

Slide 6: Mandate of the ICRC

If there are **ICRC** representatives, **ask them to elaborate on their role**.

Slide 7: Humanitarian agencies

Stress that humanitarian agencies are not obliged to assist or provide legal protection, although some may argue that there is a moral obligation. Their role is voluntary or informal and should be defined in relation to the formal roles.

Slide 8: Formal/Informal

Use this slide to show formal and informal relationships. **Ask:** Why would an appreciation of others' mandates and missions lead to better refugee protection? **Emphasise the need for complementarity amongst actors** and the need for an **understanding** of the different competencies and capacities of the actors.

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Activity 3 - Actors and Roles			
Timing		**Method**	**Resources needed**
Actor-mapping	70'	Group work	Module4.ppt Large post-it notes or coloured paper and tape Handout 1 - Actor-Mapping
Total: 70 minutes			

Note to trainer

- ✓ *Be prepared for any tensions between participants representing various actors at the workshop that might arise because of institutional beliefs about other actors' roles, competency, failures, successes, and relevancy.*
- ✓ *Try to keep this session running collegially and be prepared to remind the group that part of learning is working out differences of views. This session is an opportunity to overcome any negative institutional beliefs.*
- ✓ *Do not assume that your group will know what an actor-mapping exercise is. Be sure to make the following two points:*
- ✓ ***Actor maps are dynamic**, as relationships between actors change all the time; and*
- ✓ ***Actor maps** can be used as a **planning tool** to position oneself in relation to other actors, e.g., showing areas of overlap where alliances can be made, or gaps in provision.*
- ✓ *You may find it useful to refer to "Handout 1: Actor-Mapping", which details an alternative way of doing an actor map.*

Introduction (5 minutes)

Divide the participants into groups of five or six, evenly distributing (if possible) participants from the Red Cross/Red Crescent movement, NGOs, and the UN amongst the groups.

Introduce this group-work exercise with **Slide 9** or a flip chart prepared with instructions.

Slide 9: Task instructions

- Try to put yourselves in the position of refugees in this context;
- **Make a list** of all the actors that play a role, positive or negative, in protecting you (one actor on each post-it note);
- **Arrange the actors** on a flip chart to make an actor map that shows the respective roles of actors and links between them. Use markers to add text and connecting lines if necessary;
- How would you like the map to look? Use a different colour to indicate those potential protection providers that are not currently activated.

Group work (30 minutes)

Allow the group 25 minutes to complete their maps.

Encourage groups, where necessary, to expand their NGO category, identify and map the range of NGO actors with different protection functions (e.g., assistance, advocacy, training, etc.).

Prompt them to consider the role of non-agency actors, for example, refugees themselves, local communities, etc.

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Gallery walk (10 minutes)

Ask participants to stick up their actor maps and then go and view the other groups' maps. They should note **similarities** and **differences**.

Feedback and discussion (20 minutes)

Take feedback in plenary when groups have finished looking at each other's maps.

Ask participants to sit down and ask for initial reactions from them. If possible, **elicit adjustments to actor maps** from participants themselves, and introduce or reinforce the key messages and any other salient points that come out of the discussion.

Draw some conclusions, as follows:

- Each actor on the map can be subdivided further, and it is important to remember when dealing with them that they are not monoliths and can have internal contradictions. Also, **the same actor will behave differently in different contexts – there are no guarantees.**
- Participants have been asked to put themselves in the position of a refugee. In reality, a refugee may not have drawn an actor map that looks anything like those produced. This underlines what a complex maze refugees are obliged to navigate in the search for protection, and **how much educating refugees themselves can enhance their likelihood of finding protection.**
- Refugees cannot be expected to seek out protection actors if they do not have the necessary knowledge, which is why **NGOs have to bring protection to them** and provide guidance to the correct agency.
- **Missing actors,** such as the ICRC, the National Red Cross/Red Crescent Societies, UN agencies operating in the context, churches, the media, the host population, embassies, and private-sector institutions, as well as refugees themselves, do not have to appear on the maps if not relevant, but they can often be left out by participants when they are.
- **Scope:** do actor maps stay within the context, or do they acknowledge the international sphere in which the national context is embedded?
- **Detail:** to what degree do actor maps acknowledge the complexities of different actors or groups of actors? For example, have they broken down categories such as local authorities, the UN, etc., into sub-groups? Equally, has anyone identified the vulnerable sub-groups within categories, such as refugees, asylum-seekers, or host population?
- **Who do the maps show to have a leading role** in refugee protection? Are different players, such as the government, NGOs, and the UNHCR given different levels of importance by each map?
- **How do the different protection roles and responsibilities of NGOs and others on the map relate to each other?** If we consider protection to be, as per the *Field Guide*, "the gamut of activities through which refugees' rights are secured", do NGOs, the Red Cross/Red Crescent movement, and the UNHCR divide up this range of activities, with some taking advocacy roles, some taking assistance roles, etc., or do they divide their work geographically or by target group? Alternatively, is there no conscious division of labour (this could mean that there are some missed opportunities for mutual support, or some instances of duplication of effort)?
- **It is important that human rights actors be covered at this point and, in particular, how human rights and humanitarian action MUST be complementary.** A good tool to use at this point is the **complementary mapping** that is part of **"Handout 1 - Actor-Mapping"**. It will help you to show how denunciation by human rights organisations such as Amnesty International and persuasion by organisations like the ICRC can be complementary activities.

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Wrap-up (5 minutes)

Slide 10: *Aide memoire*

Use this slide to show the full range of actors.

End by making the following points:

- **NGOs have a role to play in refugee protection;**
- **Primary responsibility** for protection lies with the host government;
- The Red Cross/Red Crescent movement has a specific role in refugee protection, providing services such as tracing and family reunion;
- Others also take up these roles, for example, UNICEF and the ICRC do tracing. The important point is to **emphasise cooperation;**
- NGOs and other actors **working in different ways** on protection are most efficient in this work when their work is coordinated and/or complementary.

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Trainer Guidance 1 - Additional Mission Statements

ICRC - The International Committee of the Red Cross

The International Committee of the Red Cross is an impartial, neutral, and independent organisation whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

IFRC - The International Federation of Red Cross and Red Crescent Societies

The International Federation of Red Cross and Red Crescent Societies is the world's largest humanitarian organisation providing assistance without discrimination as to nationality, race, religious beliefs, class, or political opinions.

Founded in 1919, the International Federation comprises 181 member Red Cross and Red Crescent societies, a Secretariat in Geneva, and more than 60 delegations strategically located to support activities around the world. There are more societies in formation. The Red Crescent is used in place of the Red Cross in many Islamic countries.

The Federation's mission is to improve the lives of vulnerable people by mobilising the power of humanity. Vulnerable people are those who are at greatest risk from situations that threaten their survival or their capacity to live with an acceptable level of social and economic security and human dignity. Often, these are victims of natural disasters, poverty brought about by socio-economic crises, refugees, and victims of health emergencies.

IOM - The International Organisation for Migration

The IOM was established in 1951 as an intergovernmental organisation to resettle European displaced persons, refugees, and migrants. It is not part of the UN system, but it maintains close relations with UN bodies and operational agencies. The IOM has as partners a wide range of international and non-governmental organisations.

The IOM has become a leading international organisation working with migrants and governments to provide humane responses to migration challenges. Its mission is to work with its partners in the international community to:

- Assist in meeting the growing operational challenges of migration management;
- Advance understanding of migration issues;
- Encourage social and economic development through migration;
- Uphold the human dignity and well-being of migrants.

NGOs - Non-Governmental Organisations

Non-governmental organisations have missions and mandates covering a wide range of activities. Some of them deliver services contracted to them by mandated organisations. For example, a range of NGOs assists the UNHCR in carrying out a number of protection and assistance activities. Other NGOs have self-appointed mandates ranging from human rights reporting, advocacy, legal services, and other protection-related activities. Often, humanitarian and human rights NGOs complement each other's work but might not make that widely known if it would compromise either's ability to carry on with their work.

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OCHA - The Office for the Coordination of Humanitarian Affairs

The OCHA's mission is to mobilise and coordinate effective and principled humanitarian action in partnership with national and international actors in order to:

- Alleviate human suffering and disasters in emergencies;
- Advocate for the rights of people in need;
- Promote preparedness and prevention;
- Facilitate sustainable solutions.

UNHCR - The United Nations High Commission for Refugees

The UNHCR, the United Nations' refugee organisation, is mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems.

The UNHCR's primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state and to return home voluntarily.

By assisting refugees to return to their own country or to settle in another country, the UNHCR also seeks lasting solutions to their plight.

The UNHCR's efforts are mandated by the organisation's Statute and guided by the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol.

International refugee law provides an essential framework of principles for the UNHCR's humanitarian activities.

Its Executive Committee and the UN General Assembly have also authorised the organisation's involvement with other groups. These include people who are stateless or whose nationality is disputed and, in certain circumstances, internally displaced persons.

"To ensure the right to seek asylum and find safe refuge... To protect refugees and to promote solutions."

The UNHCR seeks to reduce situations of forced displacement by encouraging states and other institutions to create conditions that are conducive to the protection of human rights and the peaceful resolution of disputes. In pursuit of the same objective, the UNHCR actively seeks to consolidate the reintegration of returning refugees to their country of origin, thereby averting the recurrence of refugee-producing situations.

The UNHCR offers protection and assistance to refugees and others in an impartial manner, on the basis of their need and irrespective of their race, religion, political opinion, or gender. In all of its activities, the UNHCR pays particular attention to the needs of children and seeks to promote the equal rights of women and girls.

In its efforts to protect refugees and to promote solutions to their problems, the UNHCR works in partnership with governments, regional organisations, and international and non-governmental organisations.

The UNHCR is committed to the principle of participation by consulting refugees on decisions that affect their lives.

By virtue of its activities on behalf of refugees and displaced people, the UNHCR also promotes the purposes and principles of the United Nations Charter: maintaining international peace and security; developing friendly relations amongst nations; and encouraging respect for human rights and fundamental freedoms.

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UNICEF - The United Nations Children's Fund

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs, and to expand their opportunities to reach their full potential.

UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF insists that the survival, protection, and development of children are universal development imperatives that are integral to human progress.

UNICEF mobilises political will and material resources to help countries, particularly developing countries, ensure a "first call for children" and to build their capacity to form appropriate policies and deliver services for children and their families.

UNICEF is committed to ensuring special protection for the most disadvantaged children: victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities.

UNICEF responds in emergencies to protect the rights of children. In coordination with United Nations partners and humanitarian agencies, UNICEF makes its unique facilities for rapid response available to its partners to relieve the suffering of children and those who provide their care.

UNICEF is non-partisan, and its cooperation is free of discrimination. In everything it does, the most disadvantaged children and the countries in greatest need have priority.

UNICEF aims, through its country programmes, to promote the equal rights of women and girls and to support their full participation in the political, social, and economic development of their communities.

UNICEF works with all its partners towards the attainment of the sustainable human development goals adopted by the world community and the realisation of the vision of peace and social progress enshrined in the Charter of the United Nations.

WFP - The World Food Programme

In 1994, the WFP became the first United Nations organisation to adopt a mission statement. It is the foundation on which we build our policy, defining the who, what, where, and how of our mission to eradicate global hunger and poverty.

What is the WFP's mission?

As the food-aid arm of the UN, the WFP uses its food to:

- Meet emergency needs;
- Support economic and social development.

The agency also provides the logistical support necessary to get food aid to the right people at the right time and in the right place.

The WFP works to put hunger at the centre of the international agenda, promoting policies, strategies, and operations that directly benefit the poor and hungry.

WHO - The World Health Organisation

The WHO is the United Nations' specialised agency for health. Established in 1948 and governed by 192 member states, the WHO's objective, as set out in its Constitution, is the attainment by all peoples of the highest possible level of health. Health is defined in the WHO's Constitution as a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity. It has programmes working with a range of populations around the world.

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Handout 1 - Actor-Mapping

Actor maps are a good tool for creating a picture of how different organisations (actors) relate to one another in a refugee situation. Assessing the roles and responsibilities of the various actors in a refugee situation will lead to a better understanding of how and when to coordinate. It is best used to assess a particular context where the problem to be solved relates to who should do what and how they should work together.

Actor maps are best done in small groups, but, with a high degree of facilitation, a larger group can create an actor map. You may decide that it is best to divide participants into groups on the basis that they have been working together, or you may decide to create groups on a random basis. The trainer will need to make this choice depending on the range of participants in the training session and the outcome desired.

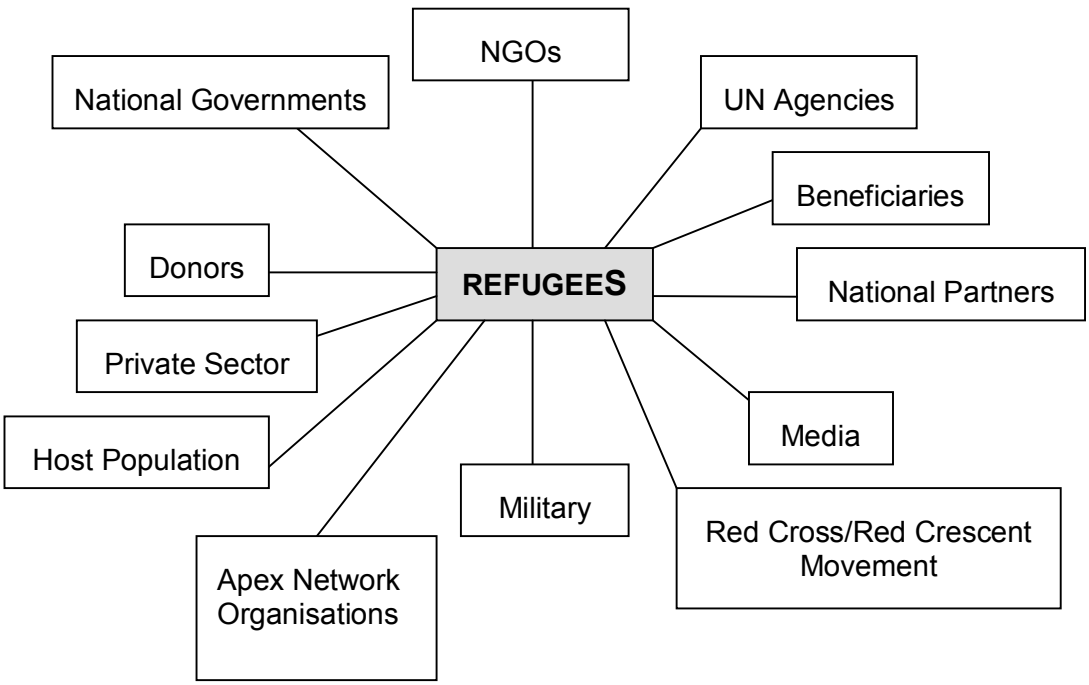
To get the actor-mapping exercise started, it may prove useful to pose the following questions:

- What are the roles of the various actors in the refugee situation?
- What do the other actors expect from us?
- What do we expect from the other actors?

You may also want the groups to colour-code the actors according to their type, for example, a UN agency or a government agency or a non-governmental agency. They could also be divided on the basis of their function or the particular group that they work with (children, women, the elderly, etc.).

At the end of this exercise, ask groups to share their actor maps with the workshop to compare results. They should identify points of coordination, gaps, and any areas of duplication.

Here is a sample actor map that is copied and adapted (refugees are central instead of NGOs) from the **Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response, Training Materials, Module 2: The Humanitarian Charter, Optional Toolkit, Section C: The Implications of the Humanitarian Charter**. See www. sphereproject.org/training/pages/m2.htm.



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Module 4:

Refugee Protection: Actors & Roles

Objectives

- Map the actors that can and do provide protection to refugees;
- Describe the mandated roles of some of the international, national, and non-governmental actors working with refugees;
- List the current protection activities of the actors;
- Describe how working in a complementary fashion improves protection for refugees.

Responsibilities

- International law defines legal obligations on states and warring parties to provide protection and assistance and refrain from behaviour that violates fundamental human rights;
- It is the primary role of the state to provide assistance and protection when people's capacity to cope has been exceeded.

Mandates

- Express mandates given by states;
- Express mandate to deal with particular situations;
- Express mandate for either a specific group of people or specific task.

Mandate of the UNHCR

"… providing international protection… to refugees…"

"... and of seeking permanent solutions for the problem of refugees by assisting Governments"

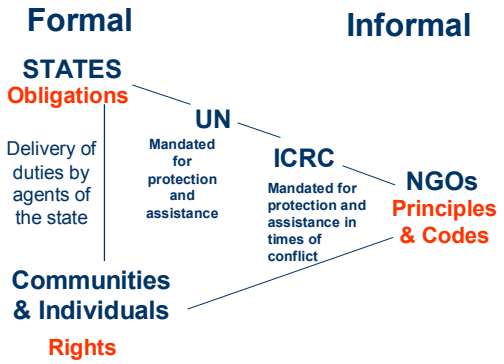
"… to facilitate the voluntary repatriation of such refugees, or their assimilation"

Mandate of the ICRC

- "The ICRC acts in time of *war, civil war or internal disturbances or tension, protecting and assisting* civil and military victims"
- Promoter of the Geneva Conventions
- Neutral intermediary

Humanitarian agencies

- Humanitarian agencies define their role in relation to the primary roles and responsibilities;
- This role reflects the reality that those responsible are not always willing or able;
- NGOs must also recognise and support the protection and assistance mandates of the ICRC and UNHCR under international law.

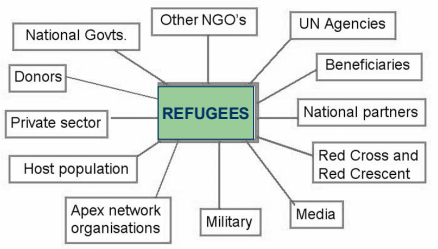


Task instructions

- Try to put yourselves in the position of a refugee in this context;
- Make a list of all the actors who play a role, positive or negative, in your protection (one actor per post-it note);
- Arrange the actors on a flip chart to make an actor map that shows the respective roles of actors and links between them. Use markers to add text and connecting lines if necessary;
- How would you like the map to look? Use a different colour to indicate those potential protection providers that are not currently activated.

Aide memoire

Actor Map



MODULE 5

PROGRAMMING & PROTECTION

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Summary

This module uses case studies to **illustrate the principle of "do no harm"**, that is, in a refugee situation, humanitarian actors should be keenly aware that their **refugee protection activities could have positive and negative effects**.

Several case studies are supplied, and it is intended that only one or two of these will be used. The facilitator can decide whether to wrap up or guide feedback towards **the current context** or to leave this as a session for safe reflection on mistakes others have made and to revisit the current context in a subsequent session.

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Learning Objectives

By the end of the session, participants will be able to:

- Identify some of the negative and positive effects that programmes can have on the protection of refugees;
- Describe some of the factors that influence programme decisions;
- Describe factors that determine the protective character of a programme;
- Identify ways to adjust programmes to improve refugee protection.

Key Messages

- When making programme decisions, humanitarian actors should try to anticipate the range of implications these decisions could have on the protection of different groups and their environment;
- The participation of vulnerable groups in programme planning, implementation, monitoring, and evaluation will help to ensure that these programmes are responsive to protection concerns;
- Failure to coordinate with relevant actors can severely limit a programme's impact on refugee protection.

Preparation:

- **Select the case studies** from Handouts 1 to 5 and **photocopy them**.
-

Module 5 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Overview	20'	Plenary	Module5.ppt
Activity 2 - Group Work on Case Studies	70'	Group work	Handouts 1 to 5 - Case Studies
Total: 90 minutes			Trainer Guidance 1 to 5

Sources

- Better Programming Initiative, International Federation of the Red Cross and Red Crescent Societies, www.ifrc.org/cgi/pdf_disasters.pl?BPIsummary.pdf;
- *Benefits Harms Facilitation Manual*, Cooperative for Assistance and Relief Everywhere, Atlanta 2001, http://www.careusa.org/getinvolved/advocacy/policypapers/eBHguidelatest.pdf;
- *Do No Harm, How Aid Can Support Peace – Or War*, Anderson, Mary B, London, Lynne Rienner Publishers, 1999. See chapter 6 Framework for analyzing aid's impact on conflict, pp. 67 to 76;
- *Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action,* Inter-Agency Standing Committee, 2002. See Chapter 2 on developing an integrated approach to humanitarian assistance and protection, pp. 25-34 and 49-55;
- *Humanitarian Protection: Improving monitoring to enhance accountability and learning*, Active Learning Network for Accountability and Performance in Humanitarian Action, 2003. See Chapter 2 on defining protection and engaging humanitarian responsibility, pp. 21-30;
- *Protecting Refugees: A Field Guide for NGOs*, Office of the United Nations High Commissioner for Refugees, Geneva 1999. See "Special Protection Issues", pp. 86 to 115.

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Activity 1 - Overview of Programming and Protection			
Timing		**Method**	**Resources needed**
Overview	**20'**	Presentation	Module5.ppt
Total: 20 minutes			

Presentation with slides (20 minutes)

Slide 1: Programming & protection

Slide 2: Objectives

- **Identify** some of the negative and positive effects that programmes can have on the protection of refugees;
- **Describe** some of the factors that influence programme decisions;
- **Describe** factors that determine the protective character of a programme;
- **Identify ways** to adjust programmes to improve refugee protection.

Slide 3: Programming and protection

Ask these questions and record answers on the flip chart.

- What is programming?
- What is programming for protection?

This is a useful way of introducing the connection between programming and protection.

Slide 4: Benefits-Harm approach

According to **CARE's Benefits-Harms approach**, four reasons why programmes have unintended consequences are:

- Lack of knowledge about the contexts in which we work;
- Lack of thought about the unintended impact of projects;
- Failure to take action to mitigate unintended harm or to capitalise on unforeseen potential benefits;
- Not having a comprehensive risk-management system that examines all the risks an agency may encounter during humanitarian intervention.

Slide 5: Root causes

The following are amongst the reasons why **we are not good at understanding the unintended consequences of our work**, particularly if those effects are negative and outside the area of our intended impact:

- Issues of economic self-interest and institutional reputation push us to focus on intended positive impacts rather than the negative ones;
- Our expertise and our baselines for evaluation are usually in an area of intended impact: health project staff, for example, are expected to be health professionals, not security analysts;

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- Time, resources, and priorities;
- The lack of training and building competencies with the available tools that would help programmers think through the unintended impact of their projects on people's human rights and protection interests.

Amongst a large number of NGOs, there is sometimes a **reluctance** to engage experts to prepare a programme design, and programmes are often prepared by staff who may not have the knowledge to cover all aspects of a programme.

Slide 6: Better programming initiative (BPI)

A tool that can help you in your programming work is the International Federation of the Red Cross and Red Crescent's "Better Programming Initiative" (BPI), according to which:

- When we choose to intervene in a specific context, we become part of it;
- An in-depth analysis of the context prior to our intervention, including the identification of dividers and connectors, will allow us to design our programme better;
- BPI recommends the identification of the impact of our programmes and a search for alternative solutions in order to decrease negative effects and increase positive ones. It also underlines that, "even in societies where tensions affect daily patterns of life, many aspects continue to connect people rather than divide them", and it advises aid workers to also consider these linking factors.

Slide 7: Dividers and connectors

Connectors are **positive factors for peace and cohesion**, and dividers are **negative factors** that may cause conflict and expose individuals to threats.

They provide a way of **analysing the proximate and secondary causes of conflict** or prospects for peace. They represent the pitfalls and potential to keep in mind when designing and implementing programmes.

Assume programmes have the potential either to support or undermine both the connectors and the dividers.

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Activity 2 - Group Work on Case Studies			
Timing		**Method**	**Resources needed**
Case studies	40'	Group work, two options	Module5.ppt Selected case studies
Feedback	30'	Feedback in plenary	Handouts 1 to 5 - Case Studies Trainer Guidance 1 to 5
Total: 70 minutes			

Note to trainer

- ✓ ***Select the case studies*** *you will use before the session. Choose one or more that are relevant to the context.*
- ✓ *The cases are long, and it is therefore advised that* ***each group be given only one case study****.*
- ✓ *You can choose to* ***distribute the same case study*** *to all the groups* ***or give different groups different cases****. The second choice will make the feedback session longer.*
- ✓ *There are* ***two options*** *for introducing this activity as described below.* ***Option A*** *would be for a group with more knowledge of the relevant issues than* ***Option B****. The options describe different ways of presenting the cases.*
- ✓ ***The case studies are fictional accounts*** *designed to cover a range of issues. This should be emphasised in order to offset the inevitable guessing of which organisations were guilty of the good or bad practice illustrated.*

Case study activity (40 minutes)

Note to trainer

- ✓ *If you have a highly knowledgeable group, then distribute the text of the case studies.*
- ✓ *If you feel the text is too much for your group or the time available, then it may be possible to relay the case study to the group by simply telling a story, or you could choose to ask participants to assist in a small role play as a way of describing the case study. If you take this option, it would still be necessary to note key points on the flip chart.*

Divide the participants into groups of four or five.

If possible, **ensure** that there is in every group at least one experienced participant who is knowledgeable about programming.

Distribute (or explain) the case studies to the groups. Each group should receive one case study.

Explain that the cases demonstrate programmes designed to help vulnerable populations, where not all of the effects of the projects were foreseen.

Ask the groups to read the case study and answer the questions on the slide. Groups have 30 minutes to discuss the questions, and they should record their answers on a flip chart.

Slide 8: Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed?
- What could have been done differently to improve protection?

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Feedback in plenary (30 minutes)

Ask one group to give their answers to **question 1**. Ask if other groups have anything to add.

Ask another group to give their answers to **question 2**. Ask if other groups have anything to add.

Finally ask a third group to give their answers to **question 3**. Ask if other groups have anything to add.

Use the guidance for each case study to complement the groups' findings.

During the feedback session, it is possible to create a checklist of things to do/avoid doing in different types of programming. Whilst the list would not be exhaustive, it would provide a useful conclusion to the session.

Alternatively, ask if any participants have additional comments to add, and conclude by stressing the importance of thinking about the potential harm that can be done without a proper analysis of the situation.

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Handout 1 - Case Study: Education for Returnee Children

During a protracted period of conflict, up to 500,000 people fled Wanland to seek refuge in Kamuland. Following democratic elections in their country of origin, most of the Wanlandese refugees decided to repatriate. Although a few scarce pockets of rebel activity endured after the end of the war, the country was generally deemed stable.

Amongst the returnees, children were the most affected by the conflict psychologically and the most vulnerable in terms of security. During the war, child recruitment had been common, and many children lost at least one parent. Ninety per cent of primary schools were destroyed in the war.

An international NGO with experience in education, Hope for Children, received a large donation from a foreign government grant earmarked for returnee education schemes. The NGO sent a consultant to Wanland to see how best to work with the returning children.

After rounds of consultations with both returnees and the local population, Hope for Children designed a programme that used the labour of locals and returnees to rebuild schools, and it reconvened the original teaching staff as far as possible for each school.

The idea was to set up the system of primary and secondary education again, using local skills and resources, as well as a grass-roots strategy of consultation with returnees to determine the curriculum and structure of the primary and secondary education provided to children. It was also envisaged that the reconstructed schools would be a venue for giving children some information about children's rights and their parents information about human rights in general. However, the donor indicated that the focus of programmes under this grant should be primary education only, so this aspect of the project was dropped.

Overall, the project was a success: more than 50 schools were rebuilt, and around 5,000 pupils were enrolled in them. A dropout rate of 20 per cent, presumed to be related to factors such as trauma, continued migration, and children's involvement in agricultural work, still left a number high above the target rates of the project. Since it was widely known that other NGOs in the area dealt with these issues, they were not pursued by Hope for Children. Equally, the quality of teaching at the reconstructed schools was extremely high.

In practice, most of the teachers were not from the returnee community since the government did not recognise the teaching qualifications of those who had been outside the country for a certain amount of time. After some changes made to the agreed curricula in order to meet new public criteria, the government certified the rebuilt schools. Despite the delay for certification and related pay problems, teachers were committed and worked hard from the moment school premises were rebuilt.

At the same time, those who helped with construction work were able to earn money. The evidence of this income was an increase in small trade in the area, with bars and corner shops resurfacing from the previously shattered economy.

Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed? (This might include things such as the environment, the vulnerable population, and other actors.)
- What could have been done differently to improve protection? (Should changes be made within their organisation, their activities, and/or their relationships with other actors and organisations?)

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Trainer Guidance 1 - Case Study: Education for Returnee Children

Factors influencing programme	▪ Donor pressure not to work on rights; ▪ Internal pressures on aid agencies to accept funds first and think about implementation capabilities afterwards, e.g., take the funds or risk not getting any in the future; ▪ Donor requirement to work with returnees only; ▪ Lack of alternative funding; ▪ Historical sectoral strength; ▪ Lack of knowledge of the context.
Possible effects	▪ Focus on returnee areas: tension between local and returnee population; ▪ One of the biggest problems facing returnees in some countries is establishing claims on one's own property (house or land). Afghanistan and Cambodia are but two examples where these disputes will take years to settle; ▪ Aid agency's credibility at risk in refugee response; ▪ Cash for men: increase in spending on alcohol, loss of funds for the household, and increase in domestic violence; ▪ Missed opportunity to refer traumatised children; ▪ Missed opportunity to prevent/respond to possible child recruitment; ▪ Missed opportunity to hold government responsible.
Suggested improvements and alternatives	▪ Lack of coordination with government or other NGOs should be remedied; ▪ Women should be included in the project; ▪ Dropouts should be followed up; ▪ Funding base should be diversified; ▪ Donors should be educated to demystify concept of human rights; ▪ Hope for Children should work on the basis of community outreach, not just using the criterion of returnees; ▪ The NGO's staff and school staff should be trained in protection issues such as child labour, rehabilitation of former child soldiers, domestic violence, etc.

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Handout 2 - Case Study: Water and Sanitation Assistance

An armed conflict between Harshland and Gota resulted in the forcible displacement of some 50,000 ethnic Harshlandese people. Said population originally resided on Gotan territory now under the control of Harshlandese armed forces. The displaced are hosted in makeshift shelters along the pre-war border. Few humanitarian agencies are allowed in this area (and, if so, only under military escort), given the high prevalence of minefields.

The national Red Crescent society has negotiated access to a camp of 10,000 displaced persons in the disputed territories.

It supplies food and water and has set up food-distribution centres, water points, and sanitary facilities throughout the settlement. An equal number of latrines are available to men and women, and, upon requests from women who approached the national Red Crescent society, the female latrines were painted yellow and the male ones red, so there is no confusion whatsoever over which is which. Shower blocks, however, are considered unisex, since each shower unit has a lockable door.

After a while, the incidence of nutrition-related health problems in the camp is very low, indicating that food distribution is sufficient. However, 30 per cent of the sanitary facilities set up are in need of small repairs.

A meeting is called with the settlement elders, who decide that the best option is to create a revolving maintenance team from the pool of labourers who built the latrines. The elders then persuade these men to do this on a voluntary basis. Leaflets on how to use the facilities are also produced to try to prevent deterioration.

An international NGO that focuses on psychosocial interventions then receives permission to conduct a survey of the displaced population.

Findings reveal that, within the population, there are high numbers of adolescent mothers and survivors of sexual and gender-based violence. There is also a slightly rising trend of gender-based violence within the camp and in its direct vicinity. Another perhaps related problem discovered during the course of interviews is increased tension with the local community, which does not receive any benefits from the project, and, in some cases, the local population live in comparable conditions of poverty without access to running water or sanitary facilities.

However, some of the representatives of the camp population have said that the local population are making good money out of buying up surplus food from the displaced at very low prices.

Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed? (This might include things such as the environment, the vulnerable population, and other actors.)
- What could have been done differently to improve protection? (Should changes be made within their organisation, their activities, and/or their relationships with other actors and organisations?)

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Trainer Guidance 2 - Case Study: Water and Sanitation Assistance

Factors influencing programme	▪ Restrictions on access placed on NGOs by host government; ▪ Negotiations with the host government/local authorities not adequate from the NGO's point of view, leading to labour disputes (local labourers vs. refugees as labourers, even though there are sometimes problems with using the refugees as labourers); ▪ NGO mandate and area of expertise is food and water distribution; ▪ Elected camp leaders are male; this is not questioned or counterbalanced by the NGO; ▪ NGO fails to learn lessons from the fact, for example, that women beneficiaries have approached with suggestions for project adjustments.
Possible effects	▪ Sexual harassment and violence from military, locals, or displaced population; ▪ Lack of adequate sanitary facilities for women, as women no doubt number more than men, and, due to sex and gender roles (childcare), may need them more; ▪ Risk of attack and molestation of female population in showers; ▪ Increased tension between local and displaced population; ▪ In certain areas, there may be problems within the camps where ethnic minorities (e.g., the nomads, Kuchis, in Afghan refugee camps) are totally marginalised and end up moving elsewhere; ▪ If there is a presence of militia/rebel gangs, tension and violence in the camps can increase significantly; ▪ Mine injuries (not, perhaps, as a direct result of the project); ▪ Surplus food fuelling parallel economy.
Suggested improvements and alternatives	▪ Counselling, education, practical solutions (such as locks), meeting with refugee women and men in camp to assess the extent to which their needs and priorities are in line with those identified by the organisation's set of recommendations for improvement of camp facilities; ▪ Use Sphere standards to decide what the minimum required number of water points and shower facilities per person might be, taking the requirements of the local population into consideration. The Sphere standard allocation of food and non-food items to refugees may exceed the local population's daily resources, giving rise to dissatisfaction in the local population. It is critical in many instances to involve host communities in the process; ▪ Lobby for camps to be away from borders; ▪ Use public education leaflets to look at health issues and raise awareness about mines; ▪ Separate shower facilities for men and women; ▪ Shower facilities and latrines to be well lit at night to prevent violence against women; ▪ Coordinate better with other NGOs so that, from the beginning, different sectors of work (e.g., Watsan and psychosocial) will be more compatible.

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Handout 3 - Case Study: Human Rights Work in a Post-conflict Environment

After the break-up of a federation of states, a struggle for leadership broke out in Gloristan between two opposing factions, one in the north, and one in the south.

During the war, some villages in both regions became targets of looting and burning, and most of the local inhabitants were displaced, internally and across international borders. Eventually, the Northern forces routed the Southerners, and, in the direct aftermath of victory, the Northern militias went on a rampage, systematically destroying Southern houses and villages.

Though the war is now officially over, and the vast majority of those who fled have meanwhile returned to their homes, tension continues, and human rights organisations report ongoing abuses, predominantly perpetrated against Southerners, both those who have returned and those who remained during the conflict.

One such human rights organisation is Rights for All International, an NGO monitoring and reporting human rights abuses around the world. A local branch of Rights for All International was set up during the conflict, and, for historical reasons, a predominantly Southern national staffing team now runs it.

Because of funding constraints, Rights for All cannot afford to take on either expatriate staff or more nationals, which could balance out the existing ethnic prejudice of the organisation. Its staff are often threatened and intimidated.

Rights for All is perceived by some Gloristanis as an anti-government, anti-Northern organisation. In general, the ruling elite in Gloristan consider human rights NGOs to be subversive opposition forces.

Although Rights for All aims to monitor and report on human rights abuses on an impartial basis, since most of their staff do not speak Northern languages or have the requisite Northern connections, it is difficult for the organisation to produce the balanced reporting it would like to. In view of this, Rights for All keeps a low profile in the country and mainly passes information out of the country to its international counterparts, who use this information in analysis, situation reports, and issue-based campaigns to encourage states' observance of human rights.

Recently, Rights for All International issued an acclaimed report in Europe that was called *Returning home? Please give up your rights as you enter*. The report used the Gloristani case to highlight some of the problems facing returnee populations in post-conflict situations, such as intimidation, continued persecution, and denial of political freedoms.

Whilst this has had the effect of raising international awareness about the situation in Gloristan, some assistance NGOs say that the report has increased tension on the ground, causing security problems for both them and the populations they work with. One practitioner has even stated that the actions of Rights for All have jeopardised delivery of assistance programmes that are, after all, also about fulfilling people's rights, since people have a right to food, adequate health care, and education.

Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed? (This might include things such as the environment, the vulnerable population, and other actors.)
- What could have been done differently to improve protection? (Should changes be made within their organisation, their activities, and/or their relationships with other actors and organisations?)

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Trainer Guidance 3 - Case Study: Human Rights Work in a Post-conflict Environment

Factors influencing programme	▪ NGO staffing history leading to unbalanced ethnic representation;[1] ▪ Lack of funding to diversify staffing team; ▪ Lack of coordination with other humanitarian actors; ▪ Failure to build image and relations with other actors; ▪ Failure to work with government (lack of political openings and/or diplomatic know-how).
Possible effects	▪ Increased tension between two ethnic groups; ▪ Increased governmental aversion/suspicion towards human rights and other foreign organisations; ▪ Increased insecurity for the staff of other organisations working on human rights and assistance; ▪ Decreased access to goods and services offered by relief agencies to displaced populations; ▪ Decreased opportunity for displaced populations to lobby for themselves.
Suggested improvements and alternatives	▪ Draw inspiration from the IFRC's Better Programming Initiative - Local Capacities for Peace Project, based on Mary Anderson's work, to make aid workers more aware of the unintended negative implications of their work; ▪ More-responsible NGOs have a full-time advocacy coordinator/officer to lobby on behalf of displaced people until they are eventually able to do this for themselves; ▪ Coordinate better with other humanitarian actors. Coordinate better with international counterparts to ensure that reports are accurate, objective, and representative; ▪ Work with local partner agencies and build their capacities so they are able to work directly with beneficiaries; ▪ Consult with political (e.g., embassies) and other humanitarian actors to select the appropriate timing for publication of reports that "name and shame"; ▪ Engage with the government, e.g., provide training to government officials.

[1] This was a very real and serious problem where a number of NGOs had majority Pashtun staff who had a difficult time working in Tajik and Uzbek areas. More-balanced HR/personnel policies have to be in place before embarking on ethnically divided areas.

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Handout 4 - Case Study: Local Integration Assistance Programmes

During a civil war in their country of origin, some 157,000 refugees arrived from Harshland into Pulistan, where they were received in refugee camps.

After several years, the government of Pulistan and its international counterparts decided to relocate the refugee communities as part of a local integration scheme. Refugee self-sufficiency and sustainable settlement were regarded as the main objectives of the scheme. At the same time, the scheme facilitated repatriation for those who wanted to go back. The project was implemented by NGOs with considerable international financial backing.

Those families wishing to integrate were given plots of land, seeds, tools, and, where necessary, training and credit to start their own small businesses or farms. Land was rented under state schemes to the head of household. Where possible, locally selected trainers were used in order to ensure that training was in the most accessible language and dialect for the refugees.

Initially, many men chose to set up small farms. In most cases, they needed training, as the soil in Pulistan is very different from what they were used to, as is the variety of available crops. The training they received covered new farming techniques and grain storage, as well as financial and commercial management of small-scale farming enterprises, etc.

Initially, this aspect of the project was hugely popular, with 50 per cent more people (mostly men) signing up for agricultural loans than expected.

After two years, however, it became clear that there were several flaws in the project. Many of those who had taken loans had mismanaged their finances and were unable to pay the loans back. Some of them had no grain in storage and were right back at square one.

An investigation revealed that, in the refugees' culture, women generally managed the household finances and food stocks, not the male head of the household. This was further demonstrated by the fact that a far higher proportion of female-run businesses (mostly producing handicrafts) were successful.

Another problem was a lack of sufficient water in the region to support all the new agricultural activity. This was remedied in the short term by drilling more wells and creating water points for farmers.

But discontent grew amongst some groups. One day, on the very popular radio show "Africa's Destiny", the famous singer Papa Dumela, interviewed on this issue, accused the government of trying to distract the attention of the refugees by providing them with lavish assistance in order to keep them silent.

In the meantime, he said, the government was dragging its feet about affording refugees their political rights to become full Pulistani citizens and to vote, inherit property, and take part in politics. He even stated that a scheme to set up schools for refugee children in their own language was an attempt to further segregate the refugee communities.

Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed? (This might include things such as the environment, the vulnerable population, and other actors.)
- What could have been done differently to improve protection? (Should changes be made within their organisation, their activities, and/or their relationships with other actors and organisations?)

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Trainer Guidance 4 - Case Study: Local Integration Assistance Programmes

Factors influencing programme	▪ No inclusive settlement scheme: no option for accelerated naturalisation; ▪ Lack of involvement of local Pulistani communities in programme design; ▪ Lack of ongoing programme monitoring and "job-coaching" for farm entrepreneurs; ▪ Insufficient understanding of gender relationships in the refugee communities; ▪ Isolated implementation of the settlement scheme: media should have been informed and mobilised early on to foster understanding for the effort.
Possible effects	▪ Land rights: women deprived of land, as land is primarily registered in the name of the male head of household; ▪ Resentment towards the refugee communities by local population groups; ▪ Exclusion of refugee community from political processes and decision-making; ▪ Antagonising communication, i.e., publicised criticism, between the Pulistani authorities and some refugee advocates; ▪ Lowering of water table due to the drilling of more wells – environmental damage.
Suggested improvements and alternatives	▪ Distribute land to all men and women on an equal basis and set up legislation to ensure that, in case of the death of the head of household, land is inherited by legal spouse rather than a male member of the "clan"; ▪ Focus training on the economics of small-scale farming on women, since they traditionally make these decisions; ▪ Early on, involve the church, media, and other key local institutions/authorities in the project-planning process to benefit from their expertise and get their buy-in, as well as the support of their constituencies; ▪ Give Pulistani-language lessons to refugees; ▪ Involve the local community in the project-planning process, and ensure that they also benefit from development interventions; ▪ Give children the option of bilingual schooling or integrating into local schools; ▪ Develop constructive and locally acceptable lobbying strategies to ensure the fulfilment of refugees' civil and political rights.

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Handout 5 - Case Study: A Clinic for Displaced Children

Following an armed struggle for independence in Harshland, the country was in ruins and its people traumatised. The children of the separatist state were the most affected and vulnerable.

At the end of the conflict, they lacked access to what were considered their basic entitlements, namely, information, education, protection, and care.

Many were suffering from post-traumatic stress disorders, malnutrition, tropical diseases (dysentery and malaria), and some had been separated from their families.

As soon as they had access to this vulnerable population, national and international NGOs and Red Cross organisations began to move in to work with them.

There was a proliferation of projects to deal with the numerous problems generated by the conflict, and a series of sectoral meetings were immediately set up to coordinate activity in each sector.

One organisation set up a children's clinic to provide curative medical care to children up to the age of 15.

Because so many of the children arrived at the clinic unaccompanied, beds were set up so that they could reside there temporarily.

After six months, when the national situation had stabilised, the government decreed that children separated from their families by the war were to be transferred from their temporary beds in the clinic to existing orphanages.

Some of the children were pleased to be moving to an orphanage, as they said they feared and disliked some of the volunteers who had been responsible for their care in the clinic.

Others were anxious about the change of environment and the possibility of being split up from new friends.

The organisation responsible for administering the clinic had hoped to wind down its operations entirely, but, due to new (still incomplete) regulations governing the national medical system, it was clear that the government would not be in a position to take care of all the children.

Case study questions

- What factors influenced the design and implementation of the programme?
- What were the positive and negative effects of the programme, and were opportunities missed? (This might include things such as the environment, the vulnerable population, and other actors.)
- What could have been done differently to improve protection? (Should changes be made within their organisation, their activities, and/or their relationships with other actors and organisations?)

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Trainer Guidance 5 - Case Study: A Clinic for Displaced Children

Factors influencing programme	▪ Emergency response – lack of time; ▪ Not enough agencies specialising in working with children. Other agencies may not have qualified staff to deal with children; ▪ Pressure to spend donor money as soon as possible; ▪ Lack of institutional checks about staff working with children; ▪ Skills of the persons selected to design and run the project (medical only?).
Possible effects	▪ Trauma as a result of abusive behaviour of volunteers in clinic (if there was such abusive behaviour); ▪ Prolonged or even permanent separation from parents who were not or could not be traced; ▪ Children in limbo: officially accepted for transfer to overcrowded national orphanages; ▪ Abuse and exploitation of children (even in camps) by special-interest groups.
Suggested improvements and alternatives	▪ Set up a smart registration and tracing service at the project's inception, either as part of the clinic's function or in partnership with another organisation (often the Red Cross/Red Crescent national societies and the ICRC); ▪ Provide preventive (immunisation), and not only curative, care; ▪ Work with government health services so that a separate and incompatible system is not developed for the clinic; ▪ Set up screening for staff working with children and monitoring/accountability mechanisms to identify and deal with abusers quickly; ▪ Include counselling for trauma related to conflict as one of the clinic's services; ▪ Include children in the decisions being made about their own future, and provide those children going into state-run orphanages with more information about the process and what to expect.

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Module 5:
Programming & Protection

Objectives

- Identify some of the negative and positive effects that programmes can have on the protection of refugees;
- Describe some of the factors that influence programme decisions;
- Describe factors that determine the protective character of a programme;
- Identify ways to adjust programmes to improve refugee protection.

Programming and protection

- What is programming?
- What is programming for protection?
  - Programmes that have protection as a specific objective
  - Other programmes that adopt a protection approach
  - Is this a meaningful distinction?

It is the objective (protection) that should define the programme as protective, not the activities.

Benefits-Harm approach

4 reasons for unintended consequences:

- **Lack of knowledge of context;**
- **Lack of thought about impact;**
- **Failure to take action to mitigate;**
- **No risk-management strategy to look at all risks in humanitarian intervention.**

Root causes

- **Push to focus on positive outcomes, not on negative ones;**
- **We don't evaluate for unintended impact (a health worker is not a security expert!);**
- **Time, resources, priorities;**
- **Lack of competence, training, tools;**
- **Don't engage experts.**

Better programming initiative…

- **Choose to intervene?**
- **… Then you are part of the context**

- **Analyse the context before intervening**
- **Identify dividers and connectors**
- **Leads to better programme design**
- **Identify the impact of programmes and search for alternate solutions.**

Dividers and connectors

- Connectors are positive factors for peace and cohesion;
- Dividers are negative factors that may cause conflict and expose individuals to threats;
- Provide an analysis tool to inform programme design, monitoring, and evaluation.

Case study questions

1. What factors influenced the design and implementation of the programme?
2. What were the positive and negative effects of the programme decisions made, and were opportunities missed?
3. What could have been done differently to improve protection?

MODULE 6

INDIVIDUAL ARRIVAL

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Summary

The purpose of this module is to raise participants' awareness of the protection concerns in situations of individual, as opposed to mass, arrival. It provides an overview of **the rights of asylum-seekers** when they arrive at the border and the elements of **a fair refugee status determination (RSD)** procedure.

Participants will learn that **the host state has responsibility for conducting individual RSD procedures**. They will see, however, that the **UNHCR** has often been the world's largest individual decision-maker in refugee situations and, at times, has been solely responsible for RSD in dozens of countries (even in those countries that are a party to the 1951 Refugee Convention).

The participants will identify the range of **protection issues** that arise for certain individuals, such as unaccompanied minors, women, children, and the elderly. They will also learn that certain asylum-seekers will not qualify for protection as refugees because they are *excludable*, that is, they have committed serious crimes against peace, war crimes, or acts contrary to the purposes of the United Nations.

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Learning Objectives

By the end of the session, participants will be able to:

- Identify the key protection concerns of asylum-seekers who arrive individually;
- Identify standards for fair RSD procedures.

Key Messages

- The principle of *non-refoulement* means that, on arrival, asylum-seekers must not be turned away at the border or frontier;
- Asylum-seekers are extremely vulnerable at the time that they first cross a border and should have immediate access to assistance and advice in a language they understand;
- The RSD procedure must comply with international standards for a fair determination, including that decisions be made by an independent, competent (including gender-sensitive), and impartial decision-maker;
- Some asylum-seekers do not qualify for protection as Convention refugees because they have committed serious crimes or other acts. The basis for excluding them is strictly defined in the 1951 Refugee Convention.

Preparation

- **Review recent changes** to the standards and policies relating to individual asylum-seekers, as it is a fast-changing area. See, in particular, the **Convention Plus**, **Global Consultations,** and recent **EXCOM conclusions** noted in the bibliography;
- **Select and photocopy** the case study or studies that you will use in the session.

Module 6 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1: Presentation on Individual Arrival	30'	Presentation in plenary	Module 6.ppt
Activity 2: Case Study	60'	Case studies	Handout 1 - Case Study: Arrival at the Airport Handout 2 - Case study: Asylum Application Handout 3 - Case Study: Illegal Border Crossing
Total: 90 minutes			

Sources

- *Reception of Asylum-seekers, Including Standards of Treatment in the Context of Individual Asylum Systems*, Global Consultations on International Protection, 4 September 2001, EC/GC/01/17;
- *Guidelines on Policies and Procedures in dealing with Unaccompanied Minors Seeking Asylum*, Office for the United Nations High Commissioner for Refugees, Geneva 1997;
- See, generally, the UNHCR position papers from the Global Consultation relating to Refugee Status Determination, including those on: Access to procedures, "Safe Third Countries" and "Time Limits"; Complementary forms of protection; Strengthening protection capacities in host countries; Local integration; Reception of asylum seekers; Protection of refugees in mass influx situations: overall protection framework.

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Activity 1 - Presentation on Individual Arrival			
Timing		**Method**	**Resources needed**
Presentation	30'	Presentation in plenary	Module6.ppt
Total: 30 minutes			

Note to trainer

- ✓ *Refer participants to "Individual arrival" in* Protecting Refugees: A Field Guide for NGOs.
- ✓ *The following notes after the slides provide background information for the trainer. The trainer should make a judgement about the level of information they give according to the experience in the group.*

Slide 1: Individual arrival

Slide 2: Objectives

- Identify the key protection concerns of asylum-seekers who arrive individually;
- Identify standards for fair RSD procedures.

Slide 3: Admission to a country of asylum

It is important to **emphasise** that, while states have the right to control their border, they do not have the right to refuse entry – this would be considered *refoulement*.

Slide 4: Asylum-seekers

When a person enters another country and seeks refuge, they are known as an asylum-seeker. They have a right to an individual determination of their claim to asylum. This can lead to a declaration that they are a refugee.

Those individuals who have not yet been declared as refugees are in a vulnerable position. Often, nearly all asylum-seekers are in a vulnerable position and do not receive adequate assistance.

Some states try to severely limit the number of individual asylum-seekers who can gain access to their countries and to RSD procedures.

If an asylum-seeker presents himself/herself without delay to the national authorities to let them know they are on their territory to seek protection, then they cannot be subject to penalties for entering the country illegally. States have the obligation to set up RSD procedures, which can vary considerably from one country to another. Many countries do not yet have such procedures.

Some states say that, because a person did not come with a valid passport, or because they used a false passport, that they are *illegal*. It is almost impossible for asylum-seekers to leave their country, let alone gain access to another country, if they state their intentions to seek asylum.

States are not free to place **undue restrictions** on the movement of refugees, and any restrictions must be necessary, and usually only until such time as their status in the host country is regularised.

There have also been many documented cases of sexual exploitation at borders by officials and other forms of coercion. It is often the case that NGOs working in the area will be the first to become aware of this.

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Slide 5: Asylum-seekers have rights

While an individual is having their asylum claim determined, they have basic rights and are always entitled to humane treatment. Some host countries do not allow asylum-seekers to work or allow them access to education, health care, or social assistance.

Some states and the media may play on the confusion in the public mind between refugees, asylum-seekers, and illegal migrants, and this has a direct impact on the protection that asylum-seekers enjoy.

Asylum-seekers must comply with the laws of the host country extending them international protection.

Refugees have a well-defined set of rights that states have agreed to. The sources of these rights are found in refugee law, human rights law, and international humanitarian law.

Slide 6: Who is responsible?

Normally, it is the **host government**, through its officials, that registers asylum-seekers, determines the validity of their claim to asylum, and issues any documentation to ensure that the legal status of the asylum-seeker or refugee is known.

In a number of countries, it is the **UNHCR** that takes full responsibility for determining asylum claims, and this can be a controversial role for them.

Sometimes, the UNHCR implements and oversees this process. There are examples of situations where NGOs have done so, too: NGOs may receive asylum-seekers who individually arrive at a camp, for example, and may register them and refer them to the UNHCR or the government. There are also cases of NGOs providing documentation, although this might not be an appropriate role for an NGO and will really depend on the local circumstances and whether taking up this role will compromise their ability to deliver on their other assistance and protection work.

Registration, RSD, and then documentation are the normal sequence of events for individually arriving refugees. It is important to determine who has responsibility for each stage. Registration indicates that this person is seeking asylum within the host country, and the asylum-seeker should be given some form of an identity card.

Slide 7: Conditions of reception

The level of ability of those officials who deal with asylum-seekers upon arrival is a major factor in determining the quality of protection asylum-seekers will enjoy.

Officials who are not aware of, or sensitive to, gender issues or the needs of children may not provide these groups with a suitable interview process.

Enabling legislation is also a major factor: some of the most prominent host countries in the world, such as Pakistan, Iran, and Thailand, have not signed the 1951 Refugee Convention.

As a result, in some countries, reception and RSD processes are often unclear, irregular, or non-existent. This may jeopardise legal protection and material assistance.

Slide 8: All refugees need:

Information, as it is a key protection tool on arrival.

Sometimes, governments and organisations are unwilling to provide asylum-seekers with information on the RSD process on the mistaken assumption that this will somehow promote abuse of the system.

In reality, many genuine refugees can have their claims rejected due to misinterpretation or confusion, or they may feel that they have to exaggerate their stories in order to be recognised as refugees. All information and processes must take place in a language the asylum-seekers understand.

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Note to trainer

✓ *It is not necessary to provide all the information associated with this slide. Pick out issues that are relevant in the country you are in.*

Slide 9: Special protection needs on arrival

It is important to differentiate between individual asylum-seekers when they arrive to determine if they have special needs. Children, the elderly, mentally and physically disabled people, and women might have particular concerns. These include:

- The need for early screening for special protection needs;
- Immediate family tracing in cases of separation;
- Treatment for trauma;
- Attention to specific medical needs;
- Access to other family members or community members;
- Reproductive health care;
- The need for sensitivity to, and provision for, same-gender assistance, where appropriate.

Taking into account the governing principles embodied in **the Convention on the Rights of the Child**, the additional physical, emotional, and recreational needs of children must be taken into account by all actors.

Special attention should be paid to **the risk of child trafficking**. Separated, underage female asylum-seekers are most vulnerable.

The **elderly and mentally ill** are frequently destitute and risk neglect and abandonment by family members if they are unable to provide care. Some asylum-seekers may be **mentally handicapped** or severely traumatised and unable to articulate their claim, and this may be corroborated through interviews with other family members or persons accompanying them during flight.

Cases of female asylum-seekers often raise specific concerns. For example, their reasons for flight might be due in whole or in part to gender-specific forms of persecution, and this should be raised as a concern to the RSD officials, and special measures should be taken.

Female asylum-seekers need to be interviewed individually with female staff and interpreters, regardless of whether they are accompanied by a male relative. Problems faced by women range from those deriving from shortcomings in asylum procedures to those inherent in poor physical reception conditions.

Without the assistance of **trained staff** or psychological, social, or medical referrals, they may be unable to describe the sexual violence or other forms of persecution that they may have suffered. Depending on their social and cultural background, special attention may be required when providing medical care. Gender-sensitive accommodation arrangements and counselling may also be necessary.

Women accompanying female asylum-seekers may not be able to corroborate the stories of their male relatives, since they may not have been informed about the reasons for flight, either for their own safety or for reasons relating to culture and gender roles.

However, there are other cultural, religious, or gender-specific concerns that arise, and **it must be stressed that many men and boys have suffered sexual violence or forms of torture that they might not be able to speak about**. RSD officials need to be alert to this and ensure that they provide a safe context for the asylum-seeker to indicate the nature of the harm they have suffered.

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Slide 10: Refugee status determination (RSD)

The basic principles of **a fair RSD procedure** include, amongst other things:

- Access to an asylum procedure;
- Access to advice and information;
- Right to counsel;
- Access to competent interpreters throughout the process;
- A determination by an independent, impartial, and competent decision-maker;
- Written and detailed reasons for rejection;
- A right to an independent appeal of the decision in the first instance.

Particular emphasis must be placed on the fact that asylum-seekers need to be interviewed in a language they fully understand.

While procedures should not be rushed and thus be unfair, they should also not drag on, leaving the asylum-seeker in legal limbo.

Spouses arriving with their husbands should be given the opportunity to put in a separate claim, as they may have their own valid reasons for applying for asylum.

Interpreters must not intimidate the asylum-seekers and should not have any prejudicial links or possible links to the authorities in the country of origin that might have been the agents of persecution. The asylum-seeker needs to be **comfortable** with the interpreter chosen, as tension between members of different ethnic groups may exist and hinder the free flow of information if the individual thinks the interpreter may be prejudiced.

It is not appropriate for any asylum-seeker to be compelled to give details of how they have been persecuted if doing so would be traumatising. It is often **not necessary for a high level of detail**.

A sophisticated decision-maker, and those who assist asylum-seekers in these proceedings, will know how to elicit the amount of information needed to establish the credibility of the claim being made. They will also know how to support the case in the broader context of general patterns they have observed in other cases or documented in credible human rights reports.

The fairness of the overall RSD system can be measured on the basis of the average length of time that the process takes, and, while procedures should not be rushed and thus be unfair, they should also not drag on, leaving the asylum-seeker in legal limbo.

Slide 11: Lawful detention

One of the most common violations of refugee rights at the time of arrival is that asylum-seekers are **detained**. All asylum-seekers in detention can be exposed to torture and other mistreatment. There is also a danger that they will remain hidden, without access to support from NGOs, legal processes, and communication with their families. **Female asylum-seekers in detention** can be exposed to sexual violence and deprivation.

This is important for humanitarian workers, as they may be amongst the few who have access to those who are detained.

- **Children should never be detained;**
- **Asylum-seekers are not criminals and should not be treated as such or kept with criminals.**

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Activity 2 - Case Study			
Timing		**Method**	**Resources needed**
Group work on case studies	30'	Case studies	Module6.ppt
Feedback to plenary	20'	Plenary feedback	Handout 1 - Case Study: Arrival at the Airport
Wrap-up	10'		Handout 2 - Case Study: Asylum Application
			Handout 3 - Case Study: Illegal Border Crossing
Total: 60 minutes			

Note to trainer

- ✓ *The presentation introduced the key concepts that a humanitarian worker would want to bear in mind if they are working in an area where there are individuals arriving and making asylum claims.*
- ✓ *The following case studies provide participants with an immediate opportunity to apply some of the concepts they have just learned. They are designed so that participants can identify gaps in the protection system. Decide prior to the session which case study is most relevant for the context.*
- ✓ *They also help participants to identify and illustrate the concept of complementarity and to discuss how different actors could, on the basis of their organisational strengths and/or mandates, ensure that individual asylum-seekers get better protection at the time of arrival.*
- ✓ *All three case studies follow the story of a refugee arriving in a country. You can modify them to suit the local circumstances, if that is appropriate. However, it is important to retain the key elements of the case that illustrate how authorities, NGOs, and the UNHCR deal with the asylum-seeker.*
- ✓ *It is not necessary for the participants to address all of the issues that arise in the case studies. This will depend on their level of experience.*

Group work on case studies (30 minutes)

Divide the participants into three groups.

Either **distribute** the same case study to each group or a different case study to each group.

Ask the groups to read the case study all the way through, noting the key facts before trying to answer the questions.

Ask each group to answer the questions at the end of each case study.

Display the questions using **Slide 12**.

Slide 12: Case study questions

- Outline the protection issues arising in this case;
- How could the RSD procedure be improved in the state?
- How might your organisation contribute to improving this situation?

Tell them to write on a flip chart the key points that they want to share with the other participants in the feedback session.

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Feedback to plenary (20 minutes)

Ask all groups to put their flip charts on the wall.

Ask one group to lead the feedback for the first question and if the other groups have anything to add. Repeat this process for all three questions, leading with a different group each time.

Add additional considerations as necessary.

Wrap-up (10 minutes)

Show Slide 13.

Slide 13: Best practice for states in individual arrivals

Best practice includes:

- Respect for human rights and human dignity;
- An appropriate range and standard of assistance;
- Clear, efficient, and effective RSD procedures;
- Facilitation of self-reliance for asylum-seekers;
- Proactive management of public opinion;
- Burden-sharing with other states;
- Gender sensitivity in all interventions (including RSD) and awareness of special protection issues, such as those related to children, the disabled, and the elderly.

Best-practice approaches give humanitarian actors standards to advocate for within the limits of their role, as well as indicators that can be used to measure changes in state behaviour.

Ask participants what might constitute best practice for NGOs.

The following are some suggestions:

- Identify responsibilities of host governments or the UNHCR, and monitor whether they are delivering on them;
- Share information on asylum-seekers with other NGOs, the government, and the UNHCR, as appropriate;
- Provide information and training to asylum-seekers on their rights and how to access assistance and services;
- Lobby governments on best practice;
- Build the capacity of officials dealing with arrival and RSD, including the training of interpreters, who may be drawn from the refugee population;
- Obtain access to RSD procedures, and monitor their efficiency, fairness, and effectiveness;
- Encourage governments to create and use alternatives to detention and monitor those who are detained;
- Support local community structures.

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Handout 1 - Case Study: Arrival at the Airport

Mr A and his family, nationals from State Y, arrive at the airport in the State of K. His wife and two children accompany him, a boy aged 15 and a girl aged 19. The family also includes Mr A's niece, aged 13. On arrival in the State of K, Mr A immediately presents himself to the immigration authorities at the airport and claims asylum for his family. He does not speak the language of the State of K, but the man who organised his flight and false travel documents had given him a piece of paper with the words "Asylum-UNHCR" and a telephone number written on it. Mr A hands the piece of paper to the immigration officer.

The immigration officer does not understand Mr A's language and makes no effort to get an interpreter. He escorts the family to a room in the airport where they are all subjected to a body search. Although a female immigration officer carries out the body search, there are male officers in the room. The wife and three children are taken to a separate room where many other people of different nationalities are waiting.

Mr A is not given any chance to seek any advice or help from anyone, and he does not understand what is happening. He is also very worried because the paper bearing the words "Asylum-UNHCR" has disappeared. No procedure is explained to him, and he is simply asked to describe his reasons for wanting to come to the State of K and claim asylum. Mr A explains to the interpreter that he is a leading member of a minority clan in his country, which is currently torn apart by a civil war. He adds that his senior rank in the clan makes him a particular target, and he also fears for the security of his family. He is not asked to explain what fears his family members have, and the immigration officer does not interview any other members of the family. Not even Mrs A has an opportunity to tell her story.

After 24 hours, Mr A is given a written notice saying that his claim for asylum has been refused "because the facts of his case do not meet the definition of a refugee". He is told that he has another 24 hours to appeal the decision and is given the number of a lawyer. He tries repeatedly to contact the lawyer but does not manage to get through until 36 hours have passed. The lawyer tells him that he is "unfortunately out of time to appeal" and dismisses him by saying that he "can do nothing else to help him".

Mr A is reunited with his family, who have been kept in a locked communal area with minimal facilities, and he tells them the bad news: that they will be deported to their home country very soon. Mrs A tells him that she has collected the numbers of various refugee support agencies.

Background information

- The niece's parents have been killed;
- State Y is in serious turmoil, with increasing conflict and forced conscription of adults and, in some cases, minors;
- The State of K's Immigration Act does not guarantee that asylum-seekers will obtain the assistance of a lawyer at the first stage of the RSD procedure but will get help during the appeals stage. However, an appeal must be lodged within 24 hours of a negative decision being given, and no exceptions can be granted.

The Immigration Act also specifies: "all asylum-seekers will be held in detention until they are removed from the country. Only those granted refugee status will be released and given a permit to stay in the country."

Questions

- Outline the protection issues arising in this case.
- How could the RSD procedure be improved in the State of K?
- How might your organisation contribute to improving this situation?

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Handout 2 - Case Study: Asylum Application

Mr R. originates from a West African country torn apart by a civil war that has lasted for many years.

After fleeing across two other countries experiencing civil unrest, Mr R finally arrives in the State of D. Mr R is accompanied by his family, which includes his wife, who is three-months pregnant; their 17-year-old daughter; their adopted son, who is 9 years old; an elderly uncle; and Mrs R's mother.

After staying a couple of weeks with other exiled persons at the border, they complete asylum claim forms and send them as instructed to the Refugee Eligibility Commission, which is a department of the Ministry of Interior.

Two months pass before they are finally granted an individual interview. At her hearing, Mrs R is not able to give details about the reasons why they left their country and keeps repeating that she simply had to leave with her husband.

For the next 10 weeks, their asylum application is examined by the Refugee Eligibility Commission, and the family has no contact at all from the Commission during this time.

During this period, the family contacts several NGOs and the Red Cross Society in D, but they are told that these agencies are not allowed to assist asylum-seekers who have only temporary status. They are told by everyone whom they ask to help them that no assistance can be given to them before they are granted refugee status.

Mrs R. encounters some medical complications and has to be hospitalised. As they cannot afford medical help, she doesn't get the needed care, and she has a miscarriage.

They are finally informed that their asylum claim has been rejected, that the decision is final, and that there is no possibility for appeal.

The Refugee Commission asks them to get in touch with the Immigration Office, which will help them leave the country. Meanwhile, they learn from relatives who remained in their country of origin that the situation has deteriorated and that they should stay away at all costs.

Mr and Mrs R meet a person working in an NGO for the protection of human rights and explain their case. They are told by the NGO representative that he will see what he can do. However, he soon leaves for a mission, and nobody else is answering calls at his office.

Questions

- Outline the protection issues arising in this case.
- How could the actors involved with the R family have assisted or protected them better?
- How might your organisation contribute to improving this situation?

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Handout 3 - Case Study: Illegal Border Crossing

Mr P left his country because he was afraid he would be persecuted because he is from an ethnic minority. He arrived in the State of N after paying a smuggler who got him across the border during the dark of night.

Mr P did not know that the State of N is not a signatory to the UN Refugee Convention or its Protocol. He is quite terrified because he thought refugees would be protected in the State of N and finds out soon after arriving that there is no domestic regime for refugee protection. Mr P has a forged passport like most people from his country who have been forced to seek the assistance of a smuggler to leave.

A day after he entered the State of N, he was apprehended and detained by the police under the Foreigners Act, as he did not possess valid travel documents. Mr P was detained immediately and is now in jail.

In jail, Mr P has absolutely no access to a phone and no way of communicating with the outside world. None of the guards appear to speak his language, and he has no idea what the charges are against him and how he can make it clear to the authorities that he is not a criminal – that he is a refugee. No one at the jail seems to know what to do, and everyone spends their days trying to survive in a very harsh place.

After several weeks in jail, a lawyer from a local NGO discovers him while on a periodic visit to the jail. She tells him that her NGO is an implementing partner of the UNHCR and that they assist refugees in dealing with their legal problems. She makes appropriate interventions to the court, and Mr P is granted a bail option to be released from jail pending a determination by the UNHCR of his status as a refugee.

The UNHCR is allowed to operate in the country by the government of N, even though there is no legal protection for refugees in N.

He approaches the UNHCR through his lawyer but has to wait in jail, as he is not able to come up with the funds for bail.

After about a month, the UNHCR grants Mr P refugee status. They also arrange for the bail needed to get him released from jail. Through other refugees in N, Mr P discovers that there are religious leaders who provide occasional help to people like him, and he manages to find work occasionally, cleaning windows and sweeping garbage from the streets. The months pass slowly, and he thinks that he will never work as a teacher again, let alone bring his family to join him.

As a refugee, Mr P receives a residence permit to show that he has legal status, but he is not eligible to work in N and continues to work at odd jobs to support himself. He also finds it impossible to find a landlord who will rent him accommodation at the rate nationals pay, and, as a result, Mr P has to pay an exorbitant rent.

Mr P is very thankful to the UNHCR and the State of N for protecting him, but he wonders how much longer he must suffer and live a life where he can barely afford to eat and have a roof over his head.

Questions

- Outline the protection issues arising in this case.
- How could the RSD procedure be improved in the State of N?
- How might your organisation contribute to improving this situation?

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Module 6:

Individual Arrival

Objectives

- Identify the key protection concerns of asylum-seekers who arrive individually;
- Identify standards for fair refugee status determination procedures.

Admission to a country of asylum

- States have the right to control their borders;
- However, they must respect their obligations under IRL and IHRL;
- Right to seek and enjoy asylum (Art. 14, IDHR);
- Principle of *non-refoulement* (Art. 33, 1951 Refugee Convention).

Asylum-seekers

- Every individual refugee arriving in a country of asylum seeking refuge is first considered an asylum-seeker;
- They must be given access to a fair and efficient asylum procedure;
- Asylum-seekers may be as yet unrecognised refugees: refugee status is declaratory.

Asylum-seekers have rights

Rights are defined in international law, and states have agreed to them.

States can't punish someone for seeking asylum:

> *Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who… enter… their territory without authorisation, provided they present themselves without delay to the authorities...*

1951 Refugee Convention

Who is responsible?

The host government is responsible for: Registering, conducting RSD, and documenting refugees;

Although the UNHCR may also conduct status determination under its mandate at the request of the state;

Sequence…

1. Registration
2. Formal status determination
3. Documentation

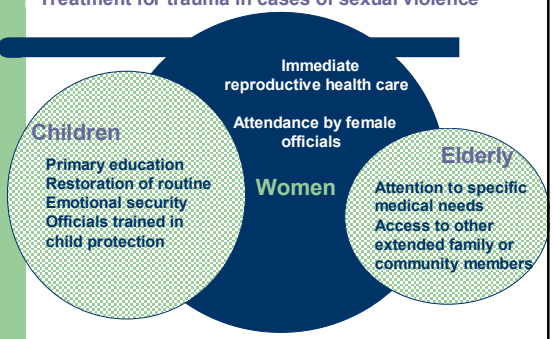
Conditions of reception

- Ability, awareness, and capacity of officials have a major impact on protection quality;
- Government attitude;
- Restrictive government policies;
- Socio-economic factors;
- Enabling legislation;
- Prevailing public opinion towards asylum-seekers.

All refugees need:

- Information on asylum procedure;
- Legal advice;
- Attendance in their mother tongue;
- Food, clothing, and safe accommodation;
- Financial assistance;
- Medical assistance and emotional support;
- Access: NGOs, the UNHCR, family, and other support networks;
- Focus on **capacities**.

Screening for special protection needs
Immediate family tracing in case of separation
Treatment for trauma in cases of sexual violence



Special protection needs on arrival

Refugee status determination (RSD)

Procedures vary from one country to another depending on resources, local traditions, etc.

- Advice and information;
- Right to counsel, competent interpreters;
- Fair and expeditious;
- Independent, impartial, competent adjudicator;
- Right to independent appeal.

Lawful detention

Is a last resort

- Any detention of an asylum-seeker should be for the briefest period possible;
- Any detention must be subject to judicial control;
- Children should never be detained;
- Limited to: verify identity; determine preliminary facts, not substantive facts; if proves serious risk to national security.

Asylum-seekers are not criminals

Case study questions

- Outline the protection issues arising in this case;
- How could the RSD procedure be improved in the state?
- How might your organisation contribute to improving this situation?

Best practice for states

- Respect for **rights** and **human dignity;**
- Appropriate **range & standard of assistance;**
- **Clear, effecient, and effective RSD** procedures;
- Facilitation of **self-reliance** for asylum-seekers;
- Proactive management **public opinion;**
- **Burden-sharing** with other states;
- **Gender sensitivity** in all interventions (incl. RSD), and **awareness of special protection issues** for **children** and the **elderly.**

MODULE 7

MASS ARRIVAL

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Summary

In previous modules, participants will have heard about two key principles that apply in situations of mass arrival: ***prima facie* recognition** and **the principle of *non-refoulement***.

This module provides background to these principles and related **standards that apply in situations of mass arrival**. It also tries to give a sense of the phases in any mass arrival situation and to link protection risks and the related responses needed for each stage. The emphasis is on the practical application of principle and standards.

This module is structured around **role-playing,** which is designed to bring together the different operational perspectives and responsibilities of the various actors involved in a mass arrival situation.

Depending on the nature of the mass arrival, this may include – in addition to the government – non-governmental organisations, national Red Cross/Red Crescent societies, and the UNHCR. In some circumstances, the police, the military, and national disaster personnel will also be engaged.

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Learning Objectives

By the end of this session, participants will be able to:

- Identify some of the key protection concerns that arise in situations of mass arrival as opposed to individual arrival;
- Identify who is responsible for protecting refugees in this situation and develop views on how these actors should work together.

Key Messages

- In situations of mass arrival, the primary protection concern is to enable those fleeing to obtain entry to the country and not to be rejected at the border, which would be a violation of the principle of *non-refoulement*. This principle applies to all countries, even if they have not signed the 1951 Refugee Convention;
- In situations of mass arrival, refugee status is generally conferred on a collective basis (*prima facie*) because it is often the case that people have fled for similar reasons;
- Vulnerable groups such as women, children, the elderly, the disabled, the sick, and separated family members often have more-pressing protection needs than others in a mass arrival situation and should be given priority attention;
- Security and safety of refugees is paramount, and the government has the primary obligation to ensure this and is supported by the UNHCR where appropriate.

Preparation

- **Photocopy the following documents** for every participant: "Handout 1 - Boringia Map" and "Handout 2 - Role Play: Current Situation in Boringia". Make enough copies of **the roles for each group**;
- **Photocopy** "Handout 7 – How to Negotiate" for each participant if you believe it would be helpful to distribute at the end of the role play;
- **Review the Global Consultations policy statements of the UNHCR** and, especially, the 7 June 2004 summary findings of the UNHCR "Ensuring International Protection and Enhancing International Cooperation in Mass Influx Situations";
- **Review the key recent documents** relating to mass arrival.

Module 7 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Key Protection Principles in Situations of Mass Arrival	10'	Presentation	Module7.ppt Handout 1 - Boringia Map
Activity 2 - Role Play in Boringia	80'	Role play	Handout 2 - Current Situation in Boringia Handouts 3 to 6 - Roles for Government of Boringia; Boringian Red Cross Society; Boringian Council of Humanitarian NGOs; UNHCR Handout 7 - How to Negotiate Badges or table signs for the meeting
Total: 90 minutes			

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Activity 1 - Key Protection Principles in Situations of Mass Arrival			
Timing		**Method**	**Resources needed**
Key protection principles	**10'**	Presentation in plenary	Module7.ppt
Total: 10 minutes			

Note to trainer

- ✓ *Many of the following points are drawn from recent **UNHCR policy statements** on the issue of protection in mass influx situations.*
- ✓ *A good source of guidance is found in **EXCOM conclusions** on mass influx, which are available through the UNHCR website.*
- ✓ *Refer participants to "Mass arrival" in* Protecting Refugees: A Field Guide for NGOs.

Slide 1: Mass arrival

Slide 2: Objectives

- Identify some of the key protection concerns that arise in situations of mass arrival as opposed to individual arrival;
- Identify who is responsible for protecting refugees in this situation and develop views on how these actors should work together.

Slide 3: Characteristics of mass arrival

Before showing this slide, ask participants: What are the characteristics of mass arrival?

Record the answers on the flip chart and then show the slide, which should concur with much of what has already been said.

Mass arrivals tend to share most of the following features:

- **Large numbers** of people arrive at an international border;
- There is a rapid **rate of arrival**;
- There is **inadequate absorption or response capacity in host states**, particularly during the emergency phase;
- Individual asylum procedures, where they exist, are **unable to deal with the assessment of such large numbers of arrivals**;
- **Tensions run high** owing to the urgency of the situation, scale of need, confusion over responsibilities, and manoeuvring for power.

Slide 4: Protection principles in mass arrival

The principle of *non-refoulement* **applies in mass arrival situations** and, as customary international law, it applies even when the country is not a signatory to the 1951 Refugee Convention. States are **prohibited from turning away those who seek asylum** at their borders. It is only under very rare and exceptional circumstances that a state could ever justify violating the principle of *non-refoulement*, for example, where allowing more refugees to cross their border would threaten the life of the nation.

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Protection is a shared responsibility. Host states should expect **assistance from the international community** so that the responsibility for protecting refugees is shared.

Granting safe haven to those fleeing another country is not to be seen by the country of origin as an **unfriendly act**.

Specific recognition of the **differing capacities of countries of first asylum** is key to promoting the sharing of responsibility amongst other states.

Capacities will differ both in the **short term and over the long term,** and it is crucial to address this adequately.

A group-based determination should be made at the outset based on *prima facie* recognition. The 1951 Refugee Convention provides for protection of people in mass arrival situations; however, given the impracticality of individualised asylum procedures, it is acceptable that **group-based protection mechanisms** be adopted.

This recognises that those fleeing as part of a mass movement are by any objective measure fleeing from a refugee-producing situation of a type **covered by the 1951 Refugee Convention or regional refugee instruments.**

Prima facie recognition and temporary protection measures **meet an immediate need**.

All protection standards apply. A particular challenge in these situations is to **identify those who are excluded from refugee protection** and also to ensure the civilian character and physical safety of refugees arriving as part of a group. There should be clear procedures in place to deal with those who are excludable, for example, those who are party to the conflict.

The 1951 Refugee Convention standards for physical safety, non-discrimination, economic and social security apply, as does the **search for durable solutions,** such as voluntary repatriation, resettlement, and local integration.

Those assisting in situations of mass influx will be **guided by those principles** relating to particularly vulnerable groups, such as women, children, unaccompanied minors, the elderly, the disabled, and persecuted religious or ethnic minorities, if applicable.

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Activity 2 - Role Play in Boringia			
Timing		**Method**	**Resources needed**
Introduction to the role play	10'	Plenary	Module7.ppt
Set-up and preparation of the role play	20'	Group work	PowerPoint or flip-chart map to set the scene
Role-play meeting	20'		Handout 1 - Boringia Map
Feedback and discussion	25'		Handout 2 - Current Situation in Boringia
Wrap-up	5'		Handouts 3 to 6 - Roles for Government of Boringia; Boringian Red Cross Society; Boringian Council of Humanitarian NGOs; UNHCR
			Handout 7 - How to Negotiate
Total: 80 minutes			Badges or table signs for the meeting

Note to trainer

- ✓ *This role play provides participants with an opportunity to test and refine their understanding of the other actors' roles based on refugee protection principles and standards.*
- ✓ *It is designed to build participants' confidence in dealing with similar situations and increase their sensitivity to the organisational constraints, as well as political, economic, and other challenges, that the actors face in seeking to protect refugees.*
- ✓ *A proper setting of the scene and rigorous time management are prerequisites for any successful role play.*
- ✓ *Sufficient time should be reserved for feedback and discussion in plenary, so that participants benefit from each other's experience.*
- ✓ *It is important to recall that the focus of this module is to apply the refugee protection standards to a mass influx situation. It is not the purpose of this module to have detailed discussions about the humanitarian assistance issues that arise in mass influx.*
- ✓ *These issues should be raised only to the extent that they affect the ability to immediately assist refugees.*

Introduction to the role play (10 minutes)

Show Slide 5 to introduce the role-play scenario.

Slide 5: Map of Boringia

Set the scene by describing the situation in Boringia, using the map in the slide and the handout entitled "Role Play: Current Situation in Boringia".

Brainstorm with the participants to point out the contextual factors affecting the protection needs of those in by the Boringia situation.

Prompt them to look at vulnerable groups within the population and identify any specific protection concerns for these groups.

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These may include some of the following:

- Violation of the principle of *non-refoulement*;
- Separation of family members;
- Location of refugee camps in proximity to the border;
- Relationship with the host country;
- Forced recruitment and recruitment of child soldiers in Chakamaka;
- Sexual violence and extortion/coercion on both sides of the border;
- Early separation of combatants and civilians in refugee reception centres;
- Secure accommodation of unaccompanied women and children arriving in refugee reception centres;
- Specific health needs of the elderly, infants, and pregnant and lactating women;
- Psychosocial needs of those who have suffered traumatic experiences caused by the trauma of flight or conflicts with host communities: lack of receptiveness, competition over resources, etc.

This is a warm-up exercise, and does not require extensive feedback.

At the end of the 10 minutes, **distribute** ”Handout 1 - Boringia Map” and ”Handout 2 - Current Situation in Boringia” to each participant.

Set-up and preparation of the role play (20 minutes)

Divide the plenary into four small groups.

Distribute Handouts 3 to 6: “Roles for Government of Boringia”; :Boringian Red Cross Society”; “Boringian Council of Humanitarian NGOs”: “UNHCR”**. Each group should play one role** and should not see the others’ role sheets, as they form the basis for their negotiation stance.

If you feel that it’s necessary, review some key points on negotiation with the group and distribute ”Handout 7 - How to Negotiate”.

Tell each group that they should follow the instructions below (written on their role sheets) to prepare for the negotiation meeting with other actors:

- Decide on your group’s operational priorities with regard to humanitarian action (including who you want to coordinate with and how);
- Elect and brief a representative for the meeting.

Explain that, although they may come up with a whole series of protection concerns during this first step, they may then find that their role means that they will have to downplay some of these issues, focus on just one or two, or prioritise some concerns more than others in line with their own organisational or political constraints.

Tell the groups that they have 20 minutes to prepare for the meeting, so encourage someone in the group to read aloud the information on their role sheet to get the preparation going. **Groups should record** their concerns, so that if they are not all aired during the role-play meeting, then their points are not lost. These can be referred to during the wrap-up.

It is essential that the **government group** be aware of its task as chair of the meeting to **manage time** in a rigorous manner.

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Role-play meeting (20 minutes)

Each group's representative should be clearly labelled (with stickers, signs on chairs, etc.).

Invite the representatives to sit around a table in the centre of the room.

The government has the **lead role** in opening and managing the negotiation.

Remind them of their role, if necessary.

If an impasse is reached, or if there is too much time spent on one agenda item or one representative is marginalised, you could send a message to the government representative or the UNHCR to alert them.

If necessary, send the government representative a telegram telling him or her when there are five minutes left.

Feedback and Discussion (25 minutes)

At this point, **the trainer needs to shift the lessons** of the role play to the reality of the context the participants are working in.

Invite those sitting behind the role players to gather in a large circle (rather than returning to their seats).

Start the feedback process by asking:

- What were the barriers to cooperation and finding solutions?
- Was there tension between meeting the political concerns of some of the actors and meeting the protection concerns of the affected population?
- What protection issues did you identify during group work before the negotiation that were not raised and why?

Protection concerns the group should mention include:

- Violation of the principle of *non-refoulement*;
- Separation of family members;
- Location of refugee camps in proximity to the border;
- Relationship with the host country;
- Forced recruitment and recruitment of child soldiers in Chakamaka;
- Sexual violence and extortion/coercion on both sides of the border;
- Early separation of combatants and civilians in refugee reception centres;
- Secure accommodation of unaccompanied women and children arriving in refugee reception centres;
- Specific health needs of the elderly, infants, and pregnant and lactating women;
- Psychosocial needs of those who have suffered traumatic experiences caused by the trauma of flight;
- Conflicts with host communities: lack of receptiveness, competition over resources, etc.

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Other issues (including protection strategies) that participants may like to discuss in feedback, or that you may wish to elicit comments on, include:

- The need for early-warning systems;
- The need for objective information on the human rights situation in the country of origin;
- The need for international sharing of responsibility;
- The use of collective determination (*prima facie* recognition) of refugees;
- The need for community organising as part of an effective protection strategy;
- The presence of a gender specialist or focal point on gender to help ensure protection for women and girls in mass arrival situations;
- The role of the media in refugee protection;
- The importance of human rights monitoring and information-sharing between assistance and human rights NGOs and humanitarian organisations (with adequate handling of confidential or sensitive information);
- Presence as a means of deterring authorities and combatants from committing violations of rights;
- The urgency of making information available to those who arrive en masse;
- The need to address the trafficking and smuggling of people;
- Use of Sphere standards when providing assistance in camps;
- Engagement of representatives of the donor government in-country.

Wrap-up (5 minutes)

Recap by highlighting the key messages.

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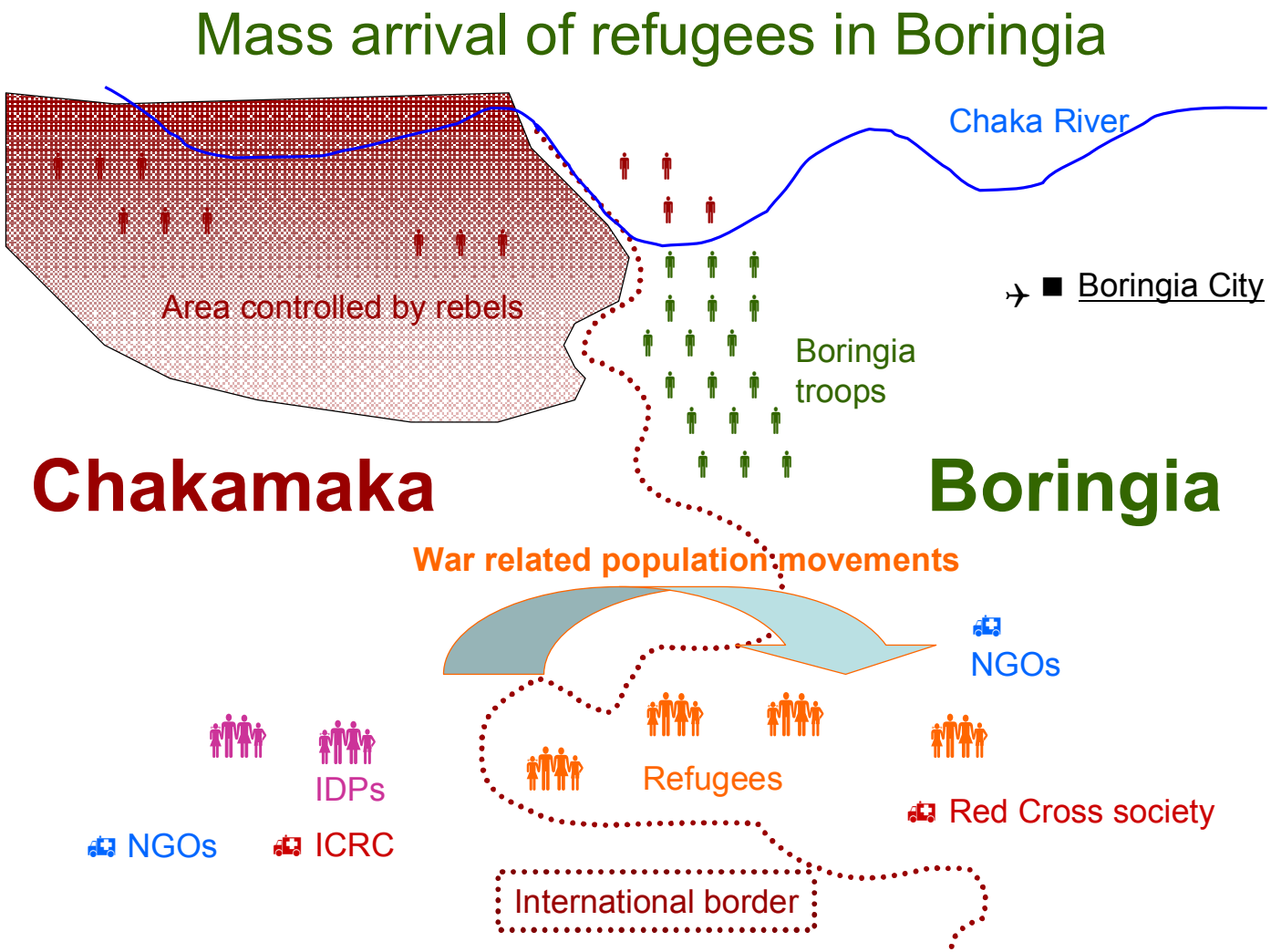
Handout 1 - Boringia Map



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Handout 2 - Current Situation in Boringia

There has been an escalation of the armed conflict in Chakamaka, and many thousands of Chakamakans are attempting to flee into neighbouring Boringia.

However, the Boringian government recently closed all border crossings and stationed several battalions of combat troops alongside the frontier. Increasing international pressure has since led the Boringian authorities to reopen the border for a few hours every other day.

According to the Boringian Ministry of the Interior, some 37,144 people have arrived in Boringia over the last two weeks. In addition, almost 240,000 people are said to have been forced to leave their homes as a result of ongoing fighting and are scattered throughout the eastern provinces of Chakamaka. According to reports, most of these uprooted populations are trying by whatever means possible to head towards the border.

In Chakamaka, rebel troops have almost total control over the eastern provinces, and state troops defending the remaining government-held areas are losing ground daily.

The government has declared a state of emergency and has suspended the parliament, the judiciary, and national legislature. Males from the age of 15 and up are being conscripted into the armed forces. Draft evasion and desertion are subject to severe penalties, including life imprisonment.

International media continue to provide dramatic pictures of desperate people stranded at the Chakamakan side of the border.

At the same time, there are unconfirmed reports of armed rebel groups that have infiltrated Boringia. It appears that cross-border raids by Chakamakan rebels have been launched from makeshift military bases in Boringia near the Chakamaka/Boringia border.

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Handout 3 - Role Play: Government of Boringia Role

Various actors have convened for a closed-door meeting today hosted by the UNHCR. The objective of the meeting is to agree on practical humanitarian arrangements to address the mass displacement situation in Boringia.

The actors: The organisations represented at the meeting are:

- The Government of Boringia;
- The Boringian Red Cross;
- The Boringian Council of Humanitarian NGOs;
- The UNHCR in Boringia.

Checklists for protection activities carried out by the Red Cross and NGOs relating to mass arrival can be found in "Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.*

You are the Government of Boringia

- The growing refugee population is putting a massive strain on your already struggling economy. The reception capacity of the local authorities in the border provinces is already overstretched. Therefore, you need to find additional ways and means to address the accelerating large-scale influx of refugees. You may want to brainstorm on this point as a group before you go into the meeting with demands/suggestions.
- You have your own internal stability and national public order to consider, and you cannot afford to become involved in dismantling Chakamakan rebel activities on your side of the border, as you feel this may drag you into the conflict next door.
- You are party to all major international human rights and international humanitarian law instruments, including the 1951 Refugee Convention relating to the Status of Refugees and its 1967 Protocol. Art. 3 of the revised 1992 Boringian Immigration Act stipulates that the president of the Boringian Republic has the authority to admit, for humanitarian reasons, and when not contrary to the national interest, foreigners who are refugees.
- You take pride in the fact that you have a history of hospitality towards refugees and have always acted towards them in a responsible way. You are resolute that the international community should assume a large share of responsibilities to help the Boringian people cope with the mass influx of refugees.

For the meeting, you need to:

- Identify your priorities in this situation and what you want from the other actors. (It will also be useful to consider what they will ask of you.);
- Select a representative who can represent your interests in the meeting. Since time is of the essence, it will be important to give clear, concise messages and identify alliances and solutions rapidly;
- Go back and review the handout on negotiation, as that may help you to decide how to approach the meeting.

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Handout 4 - Role Play: Boringian Red Cross Society Role

Various actors have convened for a closed-door meeting today hosted by the UNHCR. The objective of the meeting is to agree on practical humanitarian arrangements to address the mass displacement situation in Boringia.

The actors: The organisations represented at the meeting are:

- The Government of Boringia;
- The Boringian Red Cross;
- The Boringian Council of Humanitarian NGOs;
- The UNHCR in Boringia.

Checklists for protection activities carried out by the Red Cross and NGOs relating to mass arrival can be found in "Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.*

You are the Boringian Red Cross society

Your organisational aim is to help vulnerable civilians, regardless of the cause of their vulnerability. You work in accordance with the seven fundamental principles of the Red Cross and Red Crescent movement. In helping vulnerable people on an impartial basis, you make no distinction as to nationality, race, religious beliefs, class, or political opinion. You are guided solely by the needs of the vulnerable population and give priority to the most urgent cases of distress.

Based upon the RC movement's experience in helping refugees, you believe you possess the following key areas of strength:

- Offers of assistance from other components of the International RC movement, such as the International Committee of the Red Cross, the International Federation of RC societies, and various national RC societies, both within and outside the region, that are willing to provide financial and material assistance.
- An established system for tracing activities to help re-establish communication between members of separated refugee families.
- A nationwide network of RC teams at the municipality level, a small pool of health-care and disaster-response experts, and a large group of volunteers, all of whom have been mobilised to help the arriving refugees.

You are very concerned that the Chakamakan government is conscripting minors, and you want to find ways of immediately addressing this issue.

You wish to identify the range of protection needs of those fleeing Chakamaka and to identify the most vulnerable groups amongst the refugees, whilst seeking to persuade the others to make optimal use of your key areas of strength.

For the meeting, you need to

- Identify your own organisation's operational priorities, who you need to coordinate with, and how you intend to do this;
- Select a representative who can represent your interests in the meeting. Since time is of the essence, it will be important to give clear, concise messages and identify alliances and solutions rapidly;
- Go back and review the handout on negotiation, as that may help you decide how to approach the meeting.

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Handout 5 - Role Play: Boringian Council of Humanitarian NGOs Role

Various actors have convened for a closed-door meeting today hosted by the UNHCR. The objective of the meeting is to agree on practical humanitarian arrangements to address the mass displacement situation in Boringia.

The actors: The organisations represented at the meeting are:

- The Government of Boringia;
- The Boringian Red Cross;
- The Boringian Council of Humanitarian NGOs;
- The UNHCR in Boringia.

Checklists for protection activities carried out by the Red Cross and NGOs relating to mass arrival can be found in "Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.*

You are the Boringian Council of Humanitarian NGOs

- You are a national umbrella NGO defending refugee rights and promoting humane asylum policies. Thirty-seven humanitarian relief and development-oriented agencies are members of your network.
- Your traditional areas of humanitarian expertise include providing refugees with housing, psychosocial counselling, and education services.
- Based upon informal talks with Chakamakan refugees, you have learnt that most males of draft age were prevented from leaving the country and their whereabouts are not known.
- The refugees mentioned that their identity documents were confiscated on the Chakamakan side of the border.
- Many refugees have approached your staff to express concern about the confidentiality of their statements during interviews with staff of various international delegations visiting the reception centres. A discussion has started within your own staffing team on how to treat sensitive information gathered during informal monitoring rounds within the refugee communities.
- There are also growing rumours that supporters of the Chakamakan rebels have infiltrated some of the larger reception centres in a bid to intimidate the family members of men who refused to join the rebel ranks.
- As a result of having to mobilise all resources available to respond to the first wave of arriving refugees, your funding situation is catastrophic. There is a possibility that either the government or the UNHCR may have funds available for NGOs such as yours.
- You want to ensure that the various concerns refugees have shared with your staff will be accurately reflected in a sensible, commonly agreed action plan to protect the refugees.

For the meeting, you need to:

- Identify your own organisation's operational priorities, who you want to lobby, who you need to coordinate with, and how;
- Select a representative who can represent your interests in the meeting. Since time is of the essence, it will be important to give clear, concise messages and identify alliances and solutions rapidly;
- Go back and review the handout on negotiation, as that may help you to decide how to approach the meeting.

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Handout 6 - Role Play: UNHCR in Boringia Role

Various actors have convened for a closed-door meeting today hosted by the UNHCR. The objective of the meeting is to agree on practical humanitarian arrangements to address the mass displacement situation in Boringia.

The actors: The organisations represented at the meeting are:

- The Government of Boringia;
- The Boringian Red Cross;
- The Boringian Council of Humanitarian NGOs;
- The UNHCR in Boringia.

Checklists for protection activities carried out by the Red Cross and NGOs relating to mass arrival can be found in "Pre-flight and Flight" in *Protecting Refugees: A Field Guide for NGOs.*

You are the UNHCR

Both governments are party to all major international human rights and international humanitarian law instruments, including the 1951 Refugee Convention and its 1967 Protocol. Boringia has a history of hospitality towards refugees. Art. 3 of the revised 1992 Boringian Immigration Act stipulates that the president of the Boringian Republic has the authority to admit, for humanitarian reasons, and when not opposed to the national interest, foreigners who are refugees.

As guardian of the universal instruments relating to refugee protection, you wish to remind the Boringian authorities of generally accepted human rights principles, including the right of everyone to seek and enjoy asylum from persecution (Universal Declaration of Human Rights), the principle of *non-refoulement,* and the minimum standards of treatment during a large-scale influx of refugees (see "Asylum" in *Protecting Refugees: A Field Guide for NGOs)* and more-recent EXCOM conclusions on the protection of refugees in situations of mass influx.

On the international scene, there is no political will to provide peacekeeping troops or police contingents to stabilise the situation. It is not clear if other states will share responsibility for responding to this refugee crisis.

In similar situations of conflict elsewhere, diversion of humanitarian supplies to benefit combatants instead of civilians proved to be a major concern. You can identify a whole range of protection concerns for those who have fled and who may flee in the near future. You therefore need to make a list of the actions necessary in order to protect those fleeing Chakamaka, and work through this list at the meeting. Initial items might include:

- Authorisation to have safe and unimpeded access to the refugees;
- Identification of the protection and assistance needs of the refugees in general and in particular the most vulnerable groups based on the information available;
- The nature of the activities you and others should undertake to help those at risk, and how you can work together on this.

For the meeting, you need to:

- Identify your operational priorities, what you need from the other actors, who you need to coordinate with, and how.
- Select a representative who has the leadership skills to cover difficult topics rapidly, and identify possible solutions.
- Go back and review the handout on negotiation, as that may help you to decide how to approach the meeting.

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Handout 7 - How to Negotiate

The role play in this module asks participants to simulate a negotiation meeting. This handout briefly familiarises participants with some of the key concepts of negotiating, so that each group will be able to prepare itself more effectively for the role play.

***Negotiation* is defined as:** "a discussion with the goal of finding terms of agreement".

Know what the purpose of the negotiation meeting is. Are you trying to:

- Resolve a conflict?
- Reach a group decision?
- Explore new ideas or concepts?
- Identify or solve a problem?

Make a pre-negotiation plan

- **Establish clear objectives;**

Make sure you know which items are your ABSOLUTES and which are VARIABLES that you might be willing to concede. Remember, clarity improves communication, which is the conduit for effective negotiations.

- **Determine the options;**

Elaborate options for mutual gains (win-win): the parties to the negotiation should look for ways to increase the size of the total pie rather than split it.

- **Get the facts;**

Furnish your interlocutors with background and factual information, relevant data that will reinforce your arguments, and, if possible, make sure to provide the sources.

- **Know your audience;**

Each party has its own set of priorities. Try to identify: what outcome they are seeking and what their interests are. Knowing your interlocutors allows you to tailor your presentation and arguments to their needs and interests.

During the negotiation meeting

- **Focus on interest, not positions;**

According to Fisher and Uri, the parties to a negotiation should concentrate on **their interests** rather than on **positional bargaining**. They illustrate this with a story of people arguing over an orange.

One wants the peel to bake a cake; the other wants the fruit to make orange juice. Each insists on a fixed position: "Hey, I get the orange!" Eventually, following much acrimony, they split the difference, dividing the orange in half. Unfortunately, with their differing interests, they could have both come out ahead, if one got the peel and the other the fruit.

Reconciling interests rather than positions works better because, for every interest, there usually exist several possible positions that could satisfy that interest. Indeed, in many negotiations, close examination of the underlying interests often reveals the existence of many more interests that are shared or compatible than ones that are opposed.

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- **Insist on objective criteria;**

A good strategy is to insist that the agreement must reflect some fair, objective standard – independent of the position of either side. This will help lead to solutions on principle, not pressure. By discussing objective criteria instead of stubbornly holding positions, neither party is giving in to the other; both are yielding to a fair solution.

- **Ban egos and emotions;**

Don't let egos and emotions get entangled with the discussion. In emergency situations such as a mass arrival of refugees, tensions will run high. Refocus promptly on the aims of the meeting.

Always tackle the problem without attacking or blaming your interlocutor. If it happens, respond calmly by stressing the sterile and counterproductive aspect of this strategy.

- **Empathy;**

Demonstrate that you understand your counterparts' interest, worries, etc. This sends a strong signal of your willingness to listen and to reach a constructive solution.

- **Agreement;**

Once you've reached a negotiated settlement, before you agree to it, make sure that you're comfortable and perfectly clear with the provisions.

Close the deal by putting it in writing and have all parties to the agreement sign it.

Remember: Preparation is probably the single most important part of successful negotiations. Frequently, when a deal is struck to the advantage of one party and the detriment of the other, seeds of disagreement and retaliation are sown, which can generate counterproductive results.

A better way to negotiate is to **find out the needs of the other party and try to meet them without losing sight of your own goals.**

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Module 7:
Mass Arrival

Objectives

- Identify some of the key protection concerns that arise in situations of mass arrival as opposed to individual arrival;
- Identify who is responsible for protecting refugees in this situation and develop views on how these actors should work together.

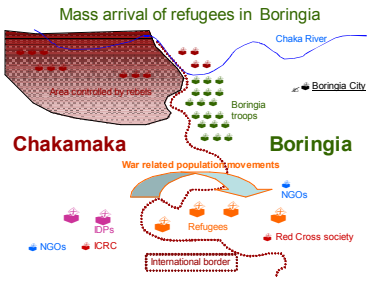
Characteristics of mass arrival

- Large numbers;
- Rapid rate of arrival;
- Inadequate capacity in host state;
- Lack of asylum procedures;
- Tensions running high.

Protection principles in mass arrival

- Principle of *non-refoulement* applies;
- A shared responsibility;
- Group-based determination at the outset based on *prima facie*;
- All protection standards apply.

Role play



MODULE 8

VULNERABLE GROUPS

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Summary

This module emphasises group work to raise awareness and pool the knowledge of the participants on **special protection rights and needs related to gender, age, and, if time permits, on disability and health status** (such as those **refugees with HIV/AIDS** who are discriminated against).

Through three different **group exercises,** the participants guide each other in learning about the rights and protection concerns of these refugees, with **a focus on children and women**.

This process of dialogue and discovery is supported by brief overview presentations and access to key learning materials that participants can consult during the training session and that they can use to support their work when they return home.

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Learning Objectives

By the end of the session, participants will be able to:

- Identify different groups of people who may have specific vulnerabilities;
- Identify some of the specific protection needs of refugee children, adolescents, and women;
- Identify some of the specific rights of refugee children and women.

Key Messages

- The rights and protection concerns of all refugees have been specifically acknowledged in a number of national and international laws. There is an abundance of sources to guide humanitarian workers on how to identify and develop responses to the specific protection concerns related to gender, age, and ability or health status;
- All children have specific protection needs because they are developing physically and emotionally. All children are at risk of sexual exploitation and abuse, which can occur within the family and community;
- Refugee children face additional protection problems related to the causes and consequences of displacement. Refugee children separated from their parents or primary caregivers need immediate attention and protection;
- Specific protection problems arise within the female refugee population due to the overwork, deprivation, and exclusion that result from discrimination by all actors, including humanitarian agencies;
- Programming for those refugees with special protection needs should involve the participation of all parts of the community, and they should support family, community, and other networks of care providers. Programme design needs to be responsive to other daily demands made on women, which may limit their participation.

Preparation

- **Read the materials** in the optional Gender-Based Violence (GBV) module to ensure that the issues are clear. If GBV issues arise in this session, it would be advisable to defer them until you do the GBV module to avoid repetition of the same messages;
- **Photocopy** "Handout 2 - Statements on Women and Form for Responses".

Note to trainer

✓ *This module aims to cover an enormous amount of material. It will be your decision to either run this module over* ***a double session*** *or* ***select only the activities*** *you think suitable for* ***your audience and context****.*

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Module 8 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Identifying Protection Needs Related to Specific Groups	10'	Group exercise	Module8.ppt Coloured post-it notes or coloured paper and tape Handout 1 - Protection of Refugees Who Are Elderly, Disabled, or Have HIV/AIDS Trainer Guidance 1 - Activity 2 - Child Protection Sample Feedback Handout 2 - Statements and Form for Recording Responses Trainer Guidance 2 - Activity 3 - Possible Comments and Suggestions Handout 3 - Ella Case Study
Activity 2 - Refugee Child Protection	40'	Group exercise and presentation	
Activity 3 - Protection Concerns for Women	40'	Group exercise and presentation	
Optional activity 1 - Ella Case Study	60'	Case study	
Optional Activity 2 - Improving Protection for Refugee Women and Children	40'	Group exercise	
Total: 90 minutes without the optional activities + 100 minutes of optional activities			

Sources

The following are sources that relate to **the protection of refugee children**:

- Action for the Rights of Children (ARC) training programme put together by Save the Children, the UNHCR, the Office of the High Commissioner for Human Rights, and UNICEF. The training programme is easily accessible on CD-ROM, in PDF and Word format, so users can select and adapt the materials to use as a reference, for training materials, to support project proposals, or to build the capacity and resources of local partners. For more information or to acquire ARC resources, contact ARC Project Co-ordinator, Case Postale 2500, CH-1211 Geneva 2 Depot, Switzerland. See www.savethechildren.net/arc.
- Rachel Hodgkin and Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child*, UNICEF, 2002. See, especially, Chapter 22 on refugee children.
- Celia Petty, Mary Tamplin, and Sarah Uppard, *Working with Separated Children: Field guide, training manual and training exercises*, Save the Children, 1999.

The following are sources that relate to **the protection of refugee women**:

- *Guidelines on the Protection of Refugee Women*, Office of the United Nations High Commissioner for Refugees, Geneva 1991.
- *Protecting Refugees: A Field Guide for NGOs*, Office of the United Nations High Commissioner for Refugees, Geneva 1999. See the sections "Protecting Refugee Women" and "Protecting Refugee Children and Adolescents".
- Susan Forbes Martin, *Refugee Women*, Zed Books, 1991.

The following is a source that relates to **human rights and disability**:

- Gerard Quinn and Theresia Degener, *Human rights and Disability: The current use and future potential of United Nations human rights instruments in the context of disability*, Office of the United Nations High Commissioner for Human Rights, Geneva 2002.

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Activity 1 - Identifying Protection Needs Related to Specific Groups			
Timing		**Method**	**Resources needed**
Group exercise	5'	Group exercise	Handout 1 - Protection of Refugees Who Are Elderly, Disabled, or Have HIV/AIDS
Brainstorming	5'	Brainstorming in plenary	
Total: 10 minutes			

Note to trainer

- ✓ *Make this **a snappy exercise,** as it is designed mainly to provide the link between the protection needs of all vulnerable groups (such as the elderly, people living with HIV/AIDS, ethnic minorities, etc.) and protection needs relating specifically to women and children.*
- ✓ *If you feel there will be **sensitivities regarding age,** then ask the group to line up in order of birth months, with January at the front of the line and December at the end.*

Group exercise (5 minutes)

Ask the group to line up in order of the year of their birth, with the oldest at one end of the line and the youngest at the other end.

Once the group has formed a line, split them into smaller groups.

You want to be left with six small groups, so the number in each group will depend on the total number of participants.

Give each group one of the following identities:

- Elderly;
- Children;
- Women;
- Survivors of violence;
- People with physical or mental disabilities;
- Ethnic minorities.

Ask each group to answer the following question from their identity perspective:

- What are your expectations of NGOs to provide for your specific protection needs?

Allow groups five minutes to discuss.

Brainstorming (5 minutes)

Ask each group what their specific expectations include.

You may **look for some of the following issues**, although this list is not exhaustive, and expect many more issues to arise:

- Elderly (someone to carry their food and water, access to health care, access to a community centre);
- Children (education, play areas, reunification services);

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- Women (physical safety, access to post-natal care, to be near water and fuel, opportunities for income-generating activities);
- Survivors of violence (access to counselling, specific health-care support);
- People with physical or mental disabilities (access to specific health care, activities with the community to support integration);
- Ethnic minorities (physical safety, representation, appropriate opportunities to practise faith or culturally based activities).

Explain that, whilst there is a myriad of groups that have specific protection concerns, women and children are the largest (approximately 80 per cent) groups, which is why this module concentrates on the specific protection needs of refugee women and children and their entitlements under international law.

If you think it is appropriate, **distribute** "Handout 1 - Protection of Refugees Who Are Elderly, Disabled, or Have HIV/AIDS".

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Activity 2 - Refugee Child Protection			
Timing		**Method**	**Resources needed**
Group exercise	20'	Group exercise	Module8.ppt
Feedback	10'	Plenary	Coloured post-it notes or coloured paper and tape
Presentation on child protection	10'	Slide presentation	Trainer Guidance 1 - Activity 2 - Child Protection Sample Feedback
Total: 40 minutes			

Note to trainer

- ✓ *This session relates to **children**.*
- ✓ *The approach is designed to **pool participants' knowledge** and to elicit their various perspectives on the protection of refugee children. There are a **few variations** that can be made to this session as follows:*
- ✓ *Groups can be asked from the start to decide whether they will focus on children. They can be asked to define these terms for themselves.*
- ✓ *An alternative task for the optional group work could be: looking at the levels of care and obligations for the child; choose one threat and describe how, in your context, children are, or could be, protected against this threat at each level.*
- ✓ *If you are using this approach, it may be desirable to focus on threats and lessen or leave out the earlier group work on rights, duty-bearers, and differences in relation to adults.*
- ✓ *If the group shows that it has knowledge of children's rights and you are pressed for time, the PowerPoint presentation can be left out and the discussions lengthened.*

Group exercise (20 minutes)

Introduce the session by saying that it is a fun activity aimed more at raising awareness than at supplying answers to protection questions.

Divide the plenary into four groups.

Provide each group with a piece of flip-chart paper and ask them to draw a child in the middle of their flip-chart pages.

Give each group one of the following questions to write at the top of their page:

- What rights does this child have?
- Who are the duty-bearers in relation to this child?
- What makes this child different from an adult?
- What additional threats might he/she face as a refugee?

Each group should brainstorm and write answers to the questions on post-it notes (or pieces of coloured paper) and stick these around the child.

Allow the groups five minutes.

Then **ask the groups to move** to the next flip chart and add to the previous groups' answers.

Repeat this process until all four groups have visited all four flip charts.

The trainer should circulate amongst the groups to guide them if they get stuck.

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Feedback (10 minutes)

Refer to ”Trainer Guidance 1 - Child Protection Sample Feedback”**.**

Stick the flip charts on the wall and allow people to survey them.

Allow participants to share any observations on the content of the flip charts and any links that they see between them.

Remark on anything that has been left off the flip charts.

Ask:

- Which threats are present in this context?
- What mechanisms are in place for monitoring the protection problems of children?
- Having noted what makes children distinct from adults, did you think of anything that they share (rights, intelligence, will, etc)?

Presentation on child protection (10 minutes)

Note to trainer

✓ *Throughout the presentation, acknowledge, and make links to, the points already raised by participants in the **previous exercise**.*

Slide 1: Vulnerable groups

Slide 2: Levels of care, levels of obligation

The ”Levels of Care - Levels of Obligation” diagram depicts how families are the basic unit of society. In almost all cases, the family provides the best environment for meeting a child’s developmental needs. In addition to providing care and protection, the family is where children learn how to behave with other people, where they discover their family history and the language and customs of their community.

The primary responsibility for ensuring children’s survival and well-being lies with parents, family, and community.

The **national and local authorities** are responsible for ensuring that children’s rights are respected. Any external assistance should aim to increase the community’s capacity to meet children’s protection entitlements.

In some cultures, **the family** is defined as the child’s immediate relatives: their parents and siblings. In other cultures, the family is defined by **a much broader extended family** that includes grandparents, aunts, uncles, and more-distant relatives within a clan, village, or community. Ways of caring for children may vary, but all societies recognise that the natural unit for the development of a child is the family. This is why **re-establishment of family links** is so important.

The international level also provides protection for the child in the form of legal standards, many of which have been enshrined in national legislation as outlined in the following slide.

Slide 3: Convention on the Rights of the Child

Protection standards for **refugee children are defined in national laws and regulations** based upon international refugee law, human rights law, and (where it applies) international humanitarian law, not only by the Convention on the Rights of the Child (CRC). One example is that, between

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the Fourth Geneva Convention, Protocol I and Protocol II, there are more than twenty provisions that give special protection to children affected by armed conflict.

The rights in the CRC are indivisible, and it should therefore be read and referred to in a holistic fashion. The four core principles of the CRC are:

- **Children should not suffer discrimination** (this has obvious implications for refugee children, who are often considered as a category apart from other refugees);
- **In all actions concerning children, the best interests of the child shall be a primary consideration;**
- **Children have a right to survival and development;**
- **Children have a right to participate in decisions that affect them.**

Slide 4: Why is the CRC so useful?

The CRC offers the **highest standards of protection** and assistance for children of any international instrument. The CRC is the **most widely ratified international instrument** in the history of the world, with only the United States and Somalia having not ratified. The CRC has no derogation clause, which means that **it applies all the time, to all children with no exception.**

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Activity 3 - Protection Concerns for Women			
Timing		**Method**	**Resources needed**
Group exercise	20'	Group exercise	Module8.ppt
Feedback and comments	5'	Plenary	Handout 2 - Statements on Women and Form for Responses
Presentation on protection of refugee women	15'	Slide presentation	Trainer Guidance 2 - Activity 3 - Possible Comments and Suggestions
Total: 40 minutes			

Note to trainer

- ✓ *The activities relating to **refugee women** aim to provide an explanation of why refugee women have special protection needs and to give participants an opportunity to explore some protection entitlements of refugee women.*
- ✓ *The group exercise is **primarily an awareness-raising exercise,** which also highlights the social dynamics that affect women's vulnerability. It is intended that, through discussion, participants should share and increase their understanding of protection concerns relating to women.*

Group exercise (20 minutes)

Divide the participants into groups of five or six.

Ensure a mixture of men and women.

Ask each group to assign a rapporteur to note the points raised by the group and facilitate the feedback to the plenary.

Distribute "Exercise 1 - Statements on Refugee Women".

Give each of the participants and rapporteurs in each group "Handout 2 - Statements on Women and Form for Responses". It is comprised of a list of statements on refugee women and of a form they can use to record the key points of the discussion.

Ask the groups to answer the following questions:

- Do you agree or disagree with this statement? (Give examples from the given context to support your opinion);
- Does this lead you to any conclusions about how NGOs and the Red Cross/Red Crescent movement can protect women refugees?

Allow groups 20 minutes for discussion.

Feedback (5 minutes)

Take feedback in plenary. **Invite one group to lead the feedback** on the first question by presenting their comments and examples for one statement. **Ask other groups to add** further comments and suggestions.

As the discussion unfolds, **keep a running record on two flip charts**: one labelled "examples", the other labelled "suggestions for Red Cross/Red Crescent movement and NGOs".

Should you wish to point out key issues that are not identified by the groups, you can do so at the end of the discussion on each statement or at the end of the feedback session by using "Trainer Guidance 2 - Possible Comments and Suggestions".

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Presentation on protection of refugee women (15 minutes)

Note to trainer

✓ *Use this **short presentation** to reinforce points raised in the previous exercise.*

Slide 5: Protection of refugee women

Refugee women have **specific protection needs** due to their position in societies, as well as additional protection needs due to their particular vulnerability at each different stage of their displacement.

Binding norms defined in national and international law establish rights for the treatment, protection, and care that all women are entitled to.

Slide 6: Protection problems during displacement

Refugee women face protection problems specific to different phases in their displacement.

Slide 7: The rights of refugee women

The rights of women are enshrined in the following conventions:

- 1951 Refugee Convention and its 1967 Protocol;
- Universal Declaration of Human Rights;
- Geneva Conventions of 1949 and the two Additional Protocols of 1977;
- International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women, etc.

Slide 8: Participation promotes protection

Programmes to improve protection of refugee women should **always involve their participation.**

Slides 9 and 10: Key messages 1 and 2

Within refugee populations, particularly exposed sub-groups exist, such as **female heads of household** who might be assuming new roles and additional responsibilities as a refugee.

When working with refugees, **programme design needs to be responsive to the other demands made on women's time**, as well as acknowledge the social constraints they may be under.

Gender-based violence is a grave protection problem, and it occurs at all levels of society and is directly linked to women's unequal status.

Overwork, deprivation, and exclusion are common protection problems faced by women refugees as a result of **discrimination by all actors**, including humanitarian agencies. **Sufficient, well-designed assistance** for refugee women can reduce this exposure.

The protection problems faced by refugee women can be largely unknown to agencies that seek to protect them and sometimes to the refugee groups themselves.

Not hearing about issues such as gender-based violence and discrimination does not mean they are not happening.

Refugee women can be a key source of protection for themselves and others.

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Optional Activity 1 - Ella Case Study			
Timing		**Method**	**Resources needed**
Introduction	5'	Presentation	Handout 3 - Ella Case Study
Group work	30'	Case study	
Feedback	25'	Plenary	
Total: 60 minutes			

Note to trainer

- ✓ *This session is designed to help participants address the special refugee protection issues relating to women, adolescents, and children. Its starting point is a **case study of an adolescent female refugee named Ella** who faces problems specific to female adolescents.*
- ✓ ***Using the refugee experience** and **the tool for refugee protection analysis** in **Module 3**, participants are invited to identify the threats Ella faces and to highlight the sources and actors of protection she may call upon to ensure her safety.*
- ✓ *Participants will be able to **gain a broader picture** of refugee protection problems, allowing them time to reflect on other issues, such as coordination, access to/sharing information, etc.*

Introduction to the case study (5 minutes)

Ask one of the participants to name the phases of the refugee experience described in **Module 2 on refugees and displacement**.

Divide the participants into groups of four or five. **Ask each group** to select a rapporteur to provide the plenary with feedback. **Distribute the case study and explain** that it features a female adolescent refugee who encounters a host of problems that raise protection issues. **Give each group** several sheets of flip-chart paper and coloured markers.

Ask the groups to read the case study and then answer only two questions from the list of four:

- With reference to the phases of the refugee experience, what threats did Ella face?
- What sources of protection should have been available to her? Which duty-bearers did or did not protect her?
- What protective mechanisms are or are not in place to address Ella's situation? How do the different actors with protection responsibilities relate to each other?
- Which measures should have been taken to protect Ella?

Group work (30 minutes) - Allow 30 minutes for discussion.

Feedback (25 minutes)

Each rapporteur should be given five minutes to present the findings of the group on the questions they chose to answer. **Other groups** that dealt with the same question are invited to **add observations and comments** that have not been mentioned yet. Elicit questions and clarifications from the plenary as suitable.

Reiterate briefly the key messages relating to **vulnerable groups**.

Highlight the various recent initiatives undertaken to address, prevent, and remedy sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers (e.g., the June 2002 Plan of Action of the Inter-Agency Standing Committee's Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises).

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Optional Activity 2 - Improving Protection for Refugee Women and Children			
Timing		**Method**	**Resources needed**
Group work	20'	Group work	Module8.ppt
Feedback	20'	Plenary	
Total: 40 minutes			

Note to trainer

✓ *Use this optional activity if you want to focus on **specific practical concerns for women and children in the context**.*

Optional brainstorming (20 minutes)

Divide the participants into groups of four or five.

Show Slide 11.

Ask the groups to brainstorm and answer the questions.

Slide 11: Group work

How can we improve protection for refugee children and adolescents?

- Within our own organisations?
- Within our existing programmes?
- Through links with other organisations?

Group work (20 minutes)

Allow 20 minutes for discussion.

Feedback and wrap-up (20 minutes)

After brainstorming, each group can report back to plenary. This can be a source of confidence-building in their level of knowledge and their ability to create a plan to change how they work in protecting child and adolescent refugees. The feedback should be noted and mentioned during **Module 10**.

Provide an opportunity for any closing comments or questions and **emphasise key messages** as necessary.

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Handout 1 - Protection of Refugees Who Are Elderly, Disabled, or Have HIV/AIDS

Special protection concerns arise in relation to refugees who are elderly, disabled, or who have **HIV/AIDS**. Protection and assistance programmes should take their specific concerns into account as an essential component of the overall protection of refugees.

In general, concerns for the elderly, disabled, or those with HIV/AIDS include persecution, discrimination, and the inability to live in dignity, with their human rights respected. The challenge for humanitarian workers is to make the link between protecting the rights of the elderly, disabled, and those with HIV/AIDS and effective programmes as part of their overall refugee protection work.

As in many other areas where people are discriminated against because of their identity, it is important to actively monitor and intervene if any discriminatory practices arise.

The UNHCR adopts a rights-based approach in all its programmes and protection activities related to these groups and has produced some helpful information. The UNHCR and other sources that should be regularly checked include:

- *HIV/AIDS and Refugees: UNHCR's Strategic Plan 2002-2004,* Office of the United Nations High Commissioner for Refugees, 1January 2004;
- Paul B. Spiegel and Alia Nankoe, "UNHCR, HIV/AIDS and refugees: lessons learned", in *Forced Migration Review*, 1 January 2004;
- Paul Harvey, "HIV/AIDS: What are the implications for humanitarian action?: A Literature Review", Overseas Development Institute, 1 July 2003;
- Ann Smith, "HIV/AIDS and Emergencies: Analysis and Recommendations for Practice", Overseas Development Institute, February 2002.

In relation to the elderly, see especially **The situation of older refugees** (EC/48/SC/CRP.39), which includes a discussion of factors affecting the situation of older refugees, including social disintegration; protection concerns for unaccompanied elderly refugees; negative social selection in camps and collective centres, where the young, healthy, and able-bodied are the first to depart, leaving behind the more vulnerable members of the group, including the elderly and the disabled; chronic dependency in many refugee situations, which produces, over time, a residual caseload of solitary older people who have not found a durable solution; and how older refugees can be valuable resources for their communities, transmitters of culture, skills, and crafts, so important to reaffirm the traditions of the dispossessed and displaced. The report also suggests ways to integrate the elderly in all aspects of programme planning and implementation.

In relation to disability, you can refer to:

- Gerard Quinn and Theresia Degener, *Human rights and Disability: The current use and future potential of United Nations human rights instruments in the context of disability*, Office of the United Nations High Commissioner for Human Rights, Geneva 2002.

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Trainer Guidance 1 - Activity 2 - Child Protection Sample Feedback

What rights does this child have?

- Right to family unity and tracing services;
- Right to education;
- Right to play;
- Right to health care and services;
- Right to psychosocial recovery;
- Right to food and physical well-being;
- Right to safe housing;
- Right to enjoy his or her own language, culture, and religion;
- Right to have a nationality;
- Right to own property;
- Right to equality before the law;
- Right to life;
- Right to development;
- Freedom of movement;
- Right to seek asylum;
- Freedom from harm;
- Right to work.

Who are the duty-bearers for this child?

- Parents;
- Siblings;
- Family/extended family;
- Guardians;
- Foster parents;
- Friends;
- Neighbours;
- Clan/tribe
- Host-country security services;
- Donors;
- Host-country community organisations;
- Media;
- Psychiatric institutions;
- Religious groups;
- Politicians;
- Social workers;
- Community leaders;
- Doctors/nurses/dentists;
- Lawyers;
- NGOs;
- Red Cross;
- Us;
- UNICEF and UNHCR;
- Drug pushers;
- Government;
- Teachers;
- Private organisations;
- Orphanages;
- Employers and traffickers.

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What makes this child different from an adult?

- Age;
- Expectations;
- Needs;
- Skills;
- Life experience;
- Education;
- Lack of maturity;
- Different social pressures;
- Vulnerability;
- Employment opportunities;
- Health problems;
- Responsibilities;
- Different rights, laws, and conventions applicable;
- Legal status;
- Decision-making power;
- Capacity for self-protection;
- Sexuality;
- Risk of accident;
- Physical difference;
- Emotional make-up;
- Vaccination;
- Need for love and care;
- Risk of malnutrition;
- Risk of violence.

What additional threats might he/she face as a refugee?

- Infections;
- Disease;
- Forced labour;
- Harmful traditional practices;
- Early/forced marriage;
- Pregnancy;
- Poverty;
- Slavery;
- Hunger;
- Parents' expectations;
- Disturbance of personal development;
- Psychological and physical trauma;
- Abuse;
- Forced conscription;
- Malnutrition;
- Trafficked into sex and/or work;
- Accidents in the workplace;
- Forced to engage in illegal activities;
- Lack of education;
- Torture;
- Discrimination;
- Sexual harassment and exploitation;
- Lack of opportunity to develop;
- Separation from family ;
- HIV/AIDS;
- Rape;
- Drug abuse.

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Handout 2 - Activity 3 - Statements on Women and Form for Responses

Statements	Comments and Examples	Suggestions for NGOs and Red Cross/Red Crescent Movement
Women refugees experience protection problems because they are not registered or counted as people in their own right.		
Domestic violence is the most common form of gender-based violence.		
Women are excluded from programmes because they have too much else to do.		
The protection problems of refugee women are mostly hidden.		

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Statements	Comments and Examples	Suggestions for NGOs and Red Cross/Red Crescent Movement
For refugee women, participation itself promotes protection.		
Women are more vulnerable when they have been separated from their men.		
Refugee women who do not receive sufficient assistance are exposed to physical danger.		
Refugee women are often unable to provide protection either for themselves or for others.		

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Trainer Guidance 2 - Activity 3 - Possible Comments and Suggestions

Statement 1: Women refugees experience protection problems because they are not individually registered or counted as people in their own right.	
Possible comments and examples	▪ Women who are registered as a dependent of their husband are more likely to experience discrimination in the distribution of goods, since they may be partly diverted by their husbands for sale or exchange. ▪ Restrictions on women's freedom of movement can also result from failure to register them and to provide them with registration or identity papers. ▪ This can also expose unregistered women to abuse and detention by authorities. ▪ Lack of proper registration for women can lead to unrecorded births and protection problems for children.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Retain disaggregated data and maintain a demographic profile of the vulnerable population by gender and age. ▪ Ensure that women receive registration documents in their own names on arrival, during asylum, and during repatriation/integration. ▪ Ensure registration of all births in the country of asylum.
Statement 2: Domestic violence is the most common form of gender-based violence, and refugee women are vulnerable to it.	
Possible comments and examples	▪ Gender-based violence (GBV) includes violence that is directed against a woman because she is a woman or that affects women disproportionately. ▪ GBV occurs at the family, community, and state levels, and it derives from women's unequal status in society. ▪ Domestic violence is often said to be the most common form of GBV. Other forms include female genital mutilation (FGM), forced marriage, early marriage, rape, incest, forced prostitution, coercion, harassment, etc. All of these forms of violence flow from women's unequal status in society. ▪ GBV is often hidden since, in most forms, it is a taboo subject and by talking about it a victim can sometimes further endanger herself. ▪ GBV is generally divided into three categories, including domestic violence, violence in the community, and state-condoned violence.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Establish advice centres and/or help lines for women at risk of domestic violence. ▪ Empower women through education, and build networks so that they are not forced to endure damaging domestic situations through lack of choices or autonomy. ▪ Sensitise men to women's rights and violence, as well as to their role in stopping violence against women. ▪ Use community structures to intervene in situations of domestic violence. ▪ Lobby the state to live up to its obligations to prevent and punish violence against women.

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Statement 3: Women are excluded from programmes because they have too much else to do.	
Possible comments and examples	▪ Many women in the world have a triple role: working on reproductive, productive, and community tasks. Refugee women are no exception. ▪ Refugee women can experience a change in their roles whilst a refugee and have an increase in workload due to changing gender roles. ▪ The demands on women's time can inhibit their ability to access services or benefit from assistance and/or protection programmes. ▪ Programmes can exacerbate stress for refugee women by neglecting their multiple roles, for example, forcing them to leave their children in order to attend training sessions, collect firewood, or turn up for distributions.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Organise the timing and location of programmes to accommodate women's role as caregivers. ▪ Work with women and men to find ways of evenly distributing and/or sharing tasks, alleviating women of some of their workload.
Statement 4: The protection problems of refugee women are mostly hidden.	
Possible comments and examples	▪ Protection problems can be wilfully ignored by refugee communities, humanitarian agencies, and humanitarian actors where they challenge cultural norms and taboos of either the country of asylum or of origin. ▪ Protection problems can also go unnoticed where they conform to accepted behaviour: discrimination, cultural practices (forced marriage, FGM), etc.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Provide confidential legal and medical services to women refugees. ▪ Provide confidential counselling services to traumatised victims of violence. ▪ Ensure separate interviews for arriving refugee women, with a female interviewer sensitive to gender issues. ▪ Establish mechanisms such as women's groups to serve as a forum for discussing sensitive issues and finding solutions. ▪ Monitor known incidents of physical attacks on women refugees. ▪ Disaggregate data by age and gender in all assessments, monitoring, and reporting.
Statement 5: For refugee women, participation itself promotes protection.	
Possible comments and examples	▪ Internal protection problems are often due as much to people's feelings of isolation, frustration, lack of belonging to a structure or society, and lack of control over their own future as they are to any other form of social problem. ▪ Participation helps build the values and sense of community that contribute to reducing protection problems. ▪ Allowing refugee women to identify their protection problems for themselves and suggesting appropriate solutions is more efficient than attempting to identify these problems and solutions on their behalf.

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Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Ensure participation of women in planning and implementation or assistance, services, and protection measures. ▪ Implement lobbying and capacity-building initiatives to ensure that women refugees are represented at community, government, and intergovernmental levels.
Statement 6: Women are more vulnerable when they have been separated from their men.	
Possible comments and examples	▪ Some refugee women experience protection problems (deprivation, coercion, and violence) at the hands of those closest to them. The family, the community, and the state are all potential abusers, as well as potential providers of protection. ▪ However, refugee women who are detained amongst strangers and/or where traditional social protection systems no longer exist may face greater dangers than those living amongst families and friends. ▪ Unaccompanied women and female heads of households generally have special protection needs, such as separate and secure shelter. The breakdown of traditional structures in society can lead to: ▪ An increase in workload or doubling of tasks: a refugee woman with children has to collect firewood and water, attend distributions, and access services such as health care and training, as well as perform all other tasks in the household, including childcare. ▪ A lack of means to express opinions and needs. Refugee women are often excluded from representation and input into programme design, where they lack traditional, informal means of making themselves heard, such as through their husbands. ▪ A lack of preventative and remedial protection against violence and abuse, which was previously offered through traditional social networks and customs, such as informal tribunals, etc.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Prevent or remedy separation in arrival and registration interventions except when women are fleeing violence in the family. ▪ Ensure that single refugee women and households headed by women gain access to food, shelter, health care, clean water, firewood, etc. ▪ Encourage border staff and others who receive and deal with refugees to use female personnel when dealing with unaccompanied women refugees. ▪ Initiate/support efforts to preserve or restore family unity. ▪ Facilitate the formation of women's groups and other social mechanisms to replace the support and information network of the family where this is lacking.
Statement 7: Women refugees who do not receive sufficient assistance are exposed to greater physical danger.	
Possible comments and examples	▪ Women refugees who are unable to feed, clothe, and shelter themselves and their children will be more vulnerable to manipulation and to physical and sexual abuse in order to obtain such necessities. ▪ Inadequate assistance measures are therefore not just a protection concern in terms of a being a violation of, or failure to fulfil, women's rights, but they can compound other protection concerns, such as physical security.

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Suggestions for NGOs and Red Cross/Red Crescent movement	▪ Provide adequate and timely assistance to women refugees. ▪ Monitor distributions to ensure that women benefit. ▪ Prioritise distribution of material assistance with a strong physical protection correlation, such as shelter, firewood, etc.
Statement 8: Women refugees are often unable to provide protection either for themselves or for others.	
Possible comments and examples	▪ Women refugees are often responsible for the day-to-day care of children, the sick, and the elderly. This makes them a key provider of protection for others. ▪ Women refugees often have information about protection issues for themselves and other groups that is not known by male refugees or children. ▪ Women refugees can protect themselves if they have access to the information and resources they need to do so.
Suggestions for NGOs and Red Cross/Red Crescent movement	▪ In order to ensure that women refugees can best protect themselves and others, they need awareness-raising programmes, capacity-building programmes, and access to the necessary information and resources.

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Handout 3 - Ella Case Study

Ella is a 16-year-old Faya girl who is attending school in country Y. Her school is attacked by Morlo rebels, who massacre the students.

Ella survives but is left for dead by the soldiers, lying amongst the bodies. Once the soldiers have gone, she picks herself up and flees the war zone, heading for country Z. When she arrives at the border, she is seized by the soldiers, gang-raped, and then abandoned.

Upon regaining consciousness, Ella decides to head for country W, where she successfully registers as an asylum-seeker. However, she does not feel safe due to the high presence of Morlos in country W. With some help from local humanitarian organisations, she travels to country V seeking refuge.

She is again registered as an asylum-seeker and given shelter at a refugee camp that is being run by the country V Red Cross. However, she again feels threatened by the prevalence of Morlos in the camp and is given the option by the government of accommodation in the nearby city. It turns out that the city has an even greater prevalence of Morlos and is less controlled than the camp and therefore more dangerous to Ella, so she returns to the camp.

Still feeling vulnerable, Ella accepts protection in return for sexual favours from a male refugee, who also abuses her. She does not reveal this abuse to the camp authorities, who believe she is safe and secure. When the man leaves, she reveals the full extent of her ordeal to the country V Red Cross, which gives her secure accommodation.

In order that Ella can access an offer of resettlement in Canada, the Red Cross, in collaboration with the UNHCR, accelerates Ella's application for refugee status, which is quickly accepted.

Unfortunately, results of her medical tests reveal that she is HIV positive and therefore ineligible for resettlement.

Questions

Identify the reasons for Ella's vulnerability:

- With reference to the phases of the refugee experience, what threats did Ella face?
- What sources of protection should have been available to her? Which duty-bearers did or did not protect her?
- What protective mechanisms are or are not in place to address Ella's situation? How do the different actors with protection responsibilities relate to each other?
- What measures should have been taken to protect Ella?

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Module 8:
Vulnerable Groups

Levels of care, levels of obligation

Convention on the Rights of the Child

Survival and development

Best interests of the child

Non-discrimination

Participation

Why is the CRC so useful?

- **The 1989 CRC is the most widely ratified convention in the history of the world!**
- **Children can be an entry point into wider discussion about refugees' rights and human rights in general;**
- **The CRC has NO derogation clause, so it applies all the time to every child everywhere.**

Protection of refugee women

- **Women share protection problems experienced by all refugees;**
- **Refugee women and girls have a right:**
  - Not to be sexually and physical abused, exploited
  - Not to be discriminated against
  - To participation

Protection problems during displacement

- Physical/sexual attacks and abuse before/during flight, in countries of asylum, after repatriation;
- Spousal abuse and abandonment;
- Armed conflict, coerced recruitment into armed forces;
- Sexual exploitation and prostitution;
- Lack of recognition and lack of documentation.

The rights of refugee women

- 1951 Refugee Convention and its 1967 Protocol;
- Universal Declaration of Human Rights;
- Geneva Conventions and the two Additional Protocols;
- ICCPR and ICESCR;
- Convention on the Elimination of All Forms of Discrimination against Women.

Participation promotes protection

- Participation of refugee women and children in programming can:
  - Provide a form of protection;
  - Build the values and sense of community that help reduce protection problems.
- Programming without participation of all groups of refugees cannot be effective.

Key message 1

- Sexual and gender-based violence generates severe protection problems for women and adolescents;
- It occurs at family, community, and state levels;
- Is based on unequal gender relationships;
- It also occurs by those actors that are supposed to assist refugees but who exploit them instead.

Key message 2

- Programming should involve their participation and should support family, community, and other networks of care providers;
- Programme design needs to be responsive to other daily demands made on women.

Group work

How can we improve protection for refugee children and women:

- Within our own organisations?
- Within our existing programmes?
- Through linkages between our organisations?

Choose one area to work on

MODULE 9

DURABLE SOLUTIONS

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Summary

This module provides **a foundation** level of knowledge **on durable solutions** and an explanation of why **the search for solutions** is such **a fundamental aspect of the refugee protection experience**.

Through a series of exercises, this module aims to show the potential for humanitarian actors to pursue **appropriate durable solutions** as part of their protection and assistance work. Durable solutions are such a fundamental aspect of refugee protection that it is recommended not to omit this module from the training programme. After a presentation on durable solutions and a group exercise, there are four optional exercises. The trainer should select **an appropriate option using the context** where the training is taking place to guide their decision. Two of the options are role plays designed to build on the **meeting role play in Module 7**.

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Learning Objectives

By the end of this session, participants will be able to:

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

Key Messages

- The ultimate objective of refugee protection is to seek durable solutions to the problem of people being forced to flee from their homes and to cross an international border;
- Voluntary repatriation, local integration, and resettlement are the three durable solutions;
- Each of the three durable solutions should only take place on a voluntary basis. Imposed solutions are not durable solutions;
- Certain human rights situations, humanitarian crises, and political and economic constraints may limit a refugee's ability to find a durable solution. It is well established that it can take years before it is safe for refugees to return home when they have been forced to flee from countries where there are conflicts and serious human rights violations;
- Refugees should neither be forced to return to their country of origin nor be prevented from doing so. In cases of voluntary, spontaneous return, every effort should be made to provide accurate information on whether return is safe so that an informed choice can be made;
- Those working with refugees and providing protection should be alert to situations where refugees are pushed or pulled towards one durable solution or another through coercive measures. Incentives for return may themselves be coercive.

Preparation

- **Select the appropriate optional activity** depending on **the context** you are working in;
- **Prepare some suitable examples** to illustrate the presentation based on current refugee repatriation, resettlement, and integration situations where the training is taking place;
- **Check the "Protecting refugees/'Convention Plus' news"** section of the **UNHCR website** for updates on resettlement.

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Module 9 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Presentation	40'	Presentation	Module9.ppt
Activity 2 - Exercise	50'	Boringia case study	Handout 1 - Boringia Case Study 1: Voluntary Repatriation
Optional Activity 1	45'	Role play	Handout 2 - Boringia Case Study 2: Local Integration
Optional Activity 2	30'	Group exercise	Trainer Guidance 1 - Possible Group Feedback
Optional Activity 3	65'	Role play	Handout 3 - Optional Activity 3: Chakamakan Scenario
			Handout 4 - Optional Activity 3: Role 1
			Handout 5 - Optional Activity 3: Role 2
			Handout 6 - Optional Activity 3: Role 3
Total: 90 minutes (without any optional activity)			Handout 7 - Optional Activity 3: Role 4
			Flip charts with prepared questions

Source

- *Refugee Resettlement: An International Handbook to Guide Reception and Integration,* Office of the United Nations High Commissioner for Refugees, Geneva 2002

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Activity 1 - Presentation on Durable Solutions and Resettlement			
Timing		**Method**	**Resources needed**
Durable solutions and resettlement	40'	Presentation	Module9.ppt
Total: 40 minutes			

Note to trainer

- ✓ *Illustrate the presentation with actual field situations and ask participants to provide examples from their context that illustrate the key points.*
- ✓ *Refer participants to "Solutions" in* Protecting Refugees: A Field Guide for NGOs.

It is important to emphasise that:

- ✓ *The pursuit of durable solutions is key to resolving refugee crises.*
- ✓ *Refugee protection standards relating to durable solutions are based on the premise that those in need of international protection have a right to be given protection until such time as they are no longer in need of international protection.*
- ✓ *Durable solutions are part of the international response to ensure solutions to refugee problems that are based on refugee protection standards.*

Presentation of the slides (40 minutes)

Slide 1: Durable solutions

Slide 2: Objectives

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

Slide 3: Overview

International protection is a temporary substitute for the normal safeguards of national protection in one's country of origin.

International protection includes seeking longer-term, durable solutions for refugee protection. In fact, all protection-oriented programming should take into account the preferred durable solution for the refugee population under consideration.

Unless interventions support the eventual attainment of a durable solution, they are not enhancing the long-term protection situation for the population.

The three durable solutions are voluntary repatriation, local integration, and resettlement. The choice of solution is inextricably linked to the reasons for flight, as this will provide key indicators of the prospect for a durable solution to succeed.

Often, **a combination of durable solutions** will be necessary for a refugee population, as each refugee's sex, race, time of flight, community of origin, and particular reasons for flight will have implications for the suitability of each of the three durable solutions for that person.

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Slide 4: Durable solutions

Voluntary repatriation means that, after reviewing all available information about conditions in their country of origin, refugees decide freely to return home. This may be an organised or a spontaneous repatriation. In all cases, return must be voluntary. **Voluntary repatriation is promoted as the preferred durable solution, both for refugees and for the international community, but certain essential conditions must be met.**

Local integration happens when refugees settle permanently in the country of asylum, and this requires the existence of a whole host of circumstances to heighten their prospect of integrating fully in the host state.

Resettlement to a third country happens as part of the international community's effort to share responsibility for refugees so that any one country is not hosting or integrating a disproportionate number of refugees. Resettlement as a solution is often referred to in relation to "burden-sharing" arrangements.

Although it is difficult to make a case for a right to a particular durable solution, the concept of solutions has a legal basis in the 1951 Refugee Convention in the sense that they each constitute points at which international protection ceases and national protection is resumed: voluntary re-availment of the protection of the country of origin, acquisition of the rights and obligations of a national of the country of integration or resettlement, or naturalisation.

Slide 5: Refugees cease to be refugees

Refugees become refugees because they no longer enjoy protection in their country of origin and are forced to flee to escape persecution for a Convention reason or serious human rights violations. It is expected that, when the reasons for flight no longer exist, and when refugees can **return home in safety and dignity**, that they will again benefit from national protection.

However, whilst **a durable and fundamental change in a country of origin**, such as a cessation of conflict or a restoration of respect for human rights, may make this possible for some refugees, others will still not be able to return and enjoy national protection. It is important to ensure that those who cannot reasonably be expected to return to their country of origin are given the opportunity to seek another durable solution, such as local integration or resettlement.

Examples might be: those who fled for reasons other than the conflict (victims of gender-based persecution might fall within this category), or those who took part in the conflict at some point and may therefore be persecuted upon their return.

Refugees that are **resettled in a third country**, or **integrate and remain in the host country**, will sometimes **take on the respective nationality** or **permanent-residency status**.

Slide 6: Voluntary repatriation – Fundamental principles

Voluntary repatriation means that, after reviewing all available information about conditions in their country of origin, refugees decide FREELY to return home.

Refugees must be able to return in safety and dignity. Over the years of experience of voluntary repatriation, these concepts of safety and dignity have developed a specific meaning.

Returning in safety means that refugees return in conditions of legal safety (for example, if an amnesty has been granted or if there are public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution). It also includes physical security (against risks from armed attack and from land mines and unexploded ordnance) and material security (which includes access to land or a means of livelihood).

Returning with dignity means that refugees will not be manhandled in the process of return; returning is unconditional; and if returning spontaneously, they can do so at their own pace; that they are not arbitrarily separated from family members; and they are treated with respect by national authorities, and their rights are fully restored.

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In reality, repatriation often happens under a **tripartite agreement** between the country of origin, the country of asylum, and the UNHCR (and sometimes with the involvement of the International Organisation for Migration), and the initial step is to ensure that these vital conditions of voluntariness, safety, and dignity can be met.

Organisations working on the ground should **be alert to any abuses of these principles,** as less than voluntary return that is not in safety and dignity would be a violation of the principle of *non-refoulement*. There are strict guidelines for the essential preconditions that must be met.

Slide 7: What can the RC/RC and NGOs do?

If there is a return that is not voluntary and not in safety and dignity, they should raise concerns with the UNHCR or other authorities.

Recall that the country of origin is responsible for the protection of returnees, but the UNHCR and NGOs should monitor this closely.

Recall that return is to be a durable solution, and it is better to catch problems early and address them.

Monitoring activities can be incorporated into existing programmes with little extra cost. For example, health workers collecting health information can report back on abuses that they witness or hear of at any stage of repatriation. The dilemma here may be that systematic monitoring activities may be seen to compromise the safety of NGO staff. (This is a discussion that can be opened to the floor if helpful.)

Recall that assistance is part of protection and that any assistance provided to returnees should also benefit the local community.

Ensuring that the local community benefits from returnee assistance helps to minimise animosity and may create social structures that knit the two communities together.

Reconciliation processes at the grass-roots level can be supported by **encouraging the participation of all elements** of the local and returnee community. For example, children's activities in NGO programmes can deal with issues such as conflict within the family and the community, as well as racism and xenophobia.

Slide 8: Local integration preconditions

Sometimes, this may be the only durable solution available. Recall that local integration or settlement can be achieved only with the consent and active participation of the government concerned.

These are the minimum prerequisites for integration to work as a durable solution:

- Full cooperation of the host government;
- Sufficient external financial support;
- Receptivity of the local population;
- Viable economic context for self-reliance;
- Full incorporation into the new society.

One of the most successful examples of integration on a significant scale was the integration of the Guatemalan refugees who fled civil war and persecution in the 1970's and 1980's in Mexico.

Slide 9: Integration obstacles

There are reasons why countries are often reluctant to allow integration to take place. Particularly when national resources are scarce, a strong case can be made for responsibility-sharing (also known as burden-sharing) on the part of the international community.

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Slide 10: Misuse of integration

Recall that integration should not be used as a pretext to limit the right of refugees to return home – be alert to situations where people have become refugees as a result of ethnic-based expulsions.

An example of this is the ethnic Nepali Bhutanese who are in Nepal at the moment and would like to return but have been denaturalised by the Bhutanese authorities. They cannot now return, as they are no longer considered nationals.

Slide 11: What can/should the RC/RC and NGOs do to make solutions real?

- Help strengthen local socio-economic infrastructure;
- Identify income-generation options and stimulate participation of refugees;
- Promote community development and mitigate local resentment;
- Cooperate with other actors to develop phased assistance;
- Promote registration, as well as the granting of identity documents and legal status.

Slide 12: What is resettlement?

Resettlement is often thought of as **the forgotten solution,** as it is often considered an option of last resort. This simply isn't true, and, for many refugees, resettlement is in fact the best, or only, alternative.

That said, resettlement is a solution that very few actually access: **less than 1 per cent of the refugee population** is able to access resettlement as a durable solution. The availability of resettlement as a solution in any given context rarely, if ever, reflects the need.

Resettlement in a third country involves the voluntary transfer of refugees from one country in which they sought refuge to another country that has agreed to admit them.

It is a vital tool, as, in some circumstances, refugees, lives, liberty, safety, health, or other fundamental rights are at immediate risk in the country of asylum because of their identity or because the country of refuge is not willing or able to protect them.

Resettlement can also be used to meet the special needs of a refugee that cannot be adequately addressed in the country of refuge. Survivors of violence, torture, or severe trauma may fall into this category. It can also be the only solution for refugees who have no prospect of returning home in the foreseeable future and who have no prospects to integrate in the country of refuge.

It is also a means for international responsibility-sharing, so that no one country carries an undue burden for protecting refugees.

It is important to **emphasise** that not all those who meet the resettlement criteria will be resettled. Many people do meet the criteria, but often the **quota** is full, and some resettlement countries will use **additional criteria** such as language or other skills, which further limits opportunities for those who would otherwise qualify.

Slide 13: When can resettlement be considered?

- After establishing that a person is a refugee under the UNHCR's mandate;
- When a refugee is at risk in their country of refuge or has particular needs as established by UNHCR criteria;
- After fully exploring the possibility of local solutions;
- After evaluating the possibility that voluntary repatriation will be feasible or foreseeable within an acceptable time frame.

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Slide 14: Who can be resettled?

See "Resettlement" in *Protecting Refugees: A Field Guide for NGOs.*

Slide 15: Legal and physical protection needs

- An immediate or long-term threat of *refoulement* to the country of origin or expulsion to another country from where they may be *sent back;*
- Threat of arbitrary arrest, detention, or imprisonment;
- A threat to physical safety or human rights in the country of refuge that is similar to that considered under the refugee definition, thus rendering asylum untenable.

Slide 16: Family reunification

Note to trainer

✓ ***The Expert Roundtable on Family Unity*** *that was part of* ***the Global Consultations*** *includes* ***helpful summary conclusions. Refer*** *to the UNHCR website,* ***www.unhcr.ch****.*

The family is a **natural and fundamental unit of society** and is entitled to protection by society and the state (this is based on **the Universal Declaration of Human Rights** and **the International Covenant on Civil and Political Rights**).

The UNHCR promotes reunification of:

- The nuclear family, including husband and wife;
- Parents and dependent unmarried children;
- Unaccompanied minors with parents or siblings;
- Other dependent members of the family unit.

Slide 17: What resettlement is not

- A right; however, there is a legal basis for durable solutions to be pursued;
- An immigration or migration tool to reach a country of choice;
- A tool to improve the person's economic or social situation;
- The solution for all problems and challenges that a refugee is experiencing.

Resettlement is a protection tool that is equally important to voluntary repatriation and local integration.

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Activity 2 - Boringia Case Study			
Timing		**Method**	**Resources needed**
Preparation for group work	5'	Case studies	Handout 1 - Boringia Case Study 1: Voluntary Repatriation Handout 2 - Boringia Case Study 2: Local Integration Trainer Guidance 1 - Possible Group Feedback
Group work	25'		
Feedback	15'		
Wrap-up	5'		
Total: 50 minutes			

Preparation for group work (5 minutes)

Introduce the exercise by referring to the Boringia simulation held earlier (see Module 7), and **show the Boringia map** to remind participants of that scenario.

Tell participants the Boringia situation has now lasted for several years and a durable solution needs to be found for what is now a long-term refugee crisis.

Divide the participants into two groups.

Give one group "Handout 1 - Boringia Case Study 1: Voluntary Repatriation" and the other group "Handout 2 - Boringia Case Study 2: Local Integration".

Ask the groups to read the **handouts** and **complete the task** outlined at the bottom of the page.

Explain that participants will be expected to make a brief presentation, so they should record their answers on a flip chart.

Voluntary repatriation task

- You and your fellow refugees would like to return home as soon as possible. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like to see repatriation take place.
- Others within your population may not be able or willing to return. Explain who these groups are, why they are not able or willing to return, and how else their needs might be addressed.

Local integration task

- You and your fellow refugees would like to settle permanently in Boringia. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like integration to take place.
- Others within your population may not be able or willing to integrate. Explain who these groups are and how else their needs might be addressed.

Group work (25 minutes)

Allow 25 minutes for the group work

Feedback (15 minutes)

Each group reports back to plenary, summarising key points raised during the group work.

Give comments and ask questions to elicit thoughts on any missing protection issues, as necessary.

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Use "Trainer Guidance 1 - Possible Group Feedback" to guide the discussion.

Wrap-up (5 minutes)

Summarise the findings of the two groups and add comments where necessary (for example, any key issues that have not been mentioned).

Humanitarian workers should understand that there are **standards for determining when pursuit of one of the durable solutions is appropriate** and also what can be done to ensure circumstances that will lead to one solution or another.

For example, in "Solutions" in *Protecting Refugees: A Field Guide for NGOs,* there are a number of scenarios for return in voluntary, involuntary, and emergency situations. These are quite common circumstances that are presented at the field level and the advice given in the *Field Guide* emphasises the protection concerns that are raised and what to do when refugee protection is not given adequate regard.

It should be emphasised that, in the pursuit of any of these three solutions, there are difficulties and that in all circumstances **the voice of the refugee must be heard** and that they must be part of the decision of what is the best solution for them.

The process of reintegrating in one's own country – often devastated by conflict – or integrating in a new country is hardly ever easy, and **there are many examples of difficulties faced by returnees**. These include reacquisition of land and property, employment, access to social assistance, and continuing discrimination and harassment.

Returnees ought not to be treated as second-class citizens; rather, they should be considered full-fledged members of the community. Links between humanitarian assistance workers in the host country and the country of return will be important in ensuring a positive reintegration experience.

It may be worth pointing out that fulfilment of rights and provision of benefits by the government, the Red Cross/Red Crescent movement, and NGO assistance must **be done on a non-discriminatory basis**.

For example, access to vocational training, land and land ownership, education, and other services **should apply equally to men and women**. Otherwise, women may continue to suffer deprivation and marginalisation after return/integration.

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Optional Activity 1 - Role Play on Durable Solutions			
Timing		**Method**	**Resources needed**
Preparation for role play	20'	Role play	Central table for a role-play meeting
Role-play meeting	20'		
Feedback	5'		
Total: 45 minutes			

Note to trainer

- ✓ *Each of the optional activities contains valuable learning points. You can choose to replace "**Activity 2 - Boringia Case Study**" with **one of the options** or run an option as a supplement to the session.*
- ✓ ***Optional Activity 1** is a dynamic role play that aims to highlight some of the issues around all three durable solutions by playing different roles.*

Preparation for the role play (20 minutes)

Divide the group into nine teams or fewer, and select the most relevant groups in the context of the training.

Each team should assume **one of the following roles**:

- Refugee women;
- Refugee men;
- Refugee children/adolescents;
- Red Cross/Red Crescent staff specialising in health and tracing;
- National NGO working on refugee issues;
- Representatives of the host population or local population in cases of voluntary repatriation;
- Host government;
- Government of country of origin;
- UNHCR.

Using the **Boringia scenario, each group decides** what their preferred durable solution is and states why.

Allow teams 10 minutes **to prepare** their decision and the preconditions that they feel are necessary for them to accept that solution.

Set up a meeting where each team sends a representative to state their case.

At the meeting, the chair (who could be a special envoy sent to seek solutions) tries to bring the meeting to an agreement by asking each representative to state their case.

Role play (20 minutes)

Allow 20 minutes for the meeting.

Feedback (5 minutes)

Summarise the main learning points.

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Optional Activity 2 - The Borderline			
Timing		**Method**	**Resources needed**
Group exercise Feedback	15' 15'	Group exercise	Masking tape
Total: 30 minutes			

Note to trainer

✓ ***Optional Activity 2*** *is applicable in contexts* ***where voluntary repatriation is a real possibility****. It is a creative way to help participants get a sense of being on both the refugee side of the border and the repatriation country side of the border.*

Group exercise (15 minutes)

Use some masking tape to make a line down the centre of the room.

Ask everyone to stand on one side of this border in the country of refuge.

Those who want to take part in voluntary repatriation cross over the border to their country of origin. Others stay behind in the country of refuge.

Those on each side of the border then find a partner on the same side and team up with a pair on the other side.

Each pair tries to persuade the other to come across the borderline to join them.

Allow 15 minutes for the activity to run.

Feedback (15 minutes)

Take feedback on the exercise.

It should cover the types of arguments used for and against staying in the country of asylum or returning home to the country of origin, as well as the key protection concerns.

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Optional Activity 3 - Role Play: Consulting with Chakamakan Refugees			
Timing		**Method**	**Resources needed**
Role play	25'	Role play	Handout 3 - Optional Activity 3: Chakamakan Scenario
Group work	25'	Group work	Handout 4 - Optional Activity 3: Role 1
Feedback	15'		Handout 5 - Optional Activity 3: Role 2
			Handout 6 - Optional Activity 3: Role 3
			Handout 7 - Optional Activity 3: Role 4
Total: 65 minutes			Flip charts with prepared questions

Note to trainer

- ✓ ***Optional Activity 3*** *aims to illustrate how, in reality, durable solutions widely differ in terms of availability and applicability.*
- ✓ ***Photocopy "Handout 3 - Chakamakan Scenario'*** *for all the participants.*
- ✓ ***Photocopy*** *one of each of* ***Handouts 4, 5, 6, and 7 (roles 1 to 4)****.*

Role play: Consulting with Chakamakan Refugees (25 minutes)

Set the scene by drawing a map of Boringia, including the location of the refugee camps and the capital Bokoloko (refer to "Handout 1 - Boringia Map" in Module 7).

Brief four participants to play the following roles:

- A **UNHCR community services officer** invited to a meeting with Chakamakan refugees in a camp **(Role 1)**;
- A **refugee community leader** who is opposed to returning home **(Role 2)**;
- A **refugee woman** married to a national of the asylum country and who wants to stay with her husband **(Role 3)**;
- A **refugee woman** who cannot return home or stay in the asylum country **(Role 4).**

Give these participants **the relevant role sheet**.

Allow approximately 25 minutes for the role play, giving the most time to the person who cannot return home or stay in the asylum country.

The UNHCR community services officer is expected to **moderate the different scenes**. In doing so, she/he will ask questions to help the refugees explain the main facts of their respective situations and their related choices with respect to available solutions.

Close the role play with a word of thanks to the participants for their courage and willingness to play out the refugee scenes.

Group work (25 minutes)

Place several flip charts and markers in different parts of the meeting room.

Divide participants into three groups.

Each group should elect a rapporteur and a spokesperson.

The actors will task each group to examine in more detail the facts surrounding one of the refugee situations previously performed.

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The following questions are to be answered:

Group 1

- Why is this refugee opposed to return?
- What are the prerequisites for him to voluntarily go home in safety and dignity?

Group 2

- Why is the refugee opposed to return?
- What are the preconditions for her to settle permanently in the country of asylum?

Group 3

- Why is this refugee not able to return home or to settle in the country of asylum?
- Should this refugee be considered for third-country refugee resettlement? Why/why not? Which resettlement criteria may come into play?

Feedback (15 minutes)

Each rapporteur has five minutes to present the findings of the group.

Elicit questions and clarifications from the plenary as suitable.

Reiterate briefly the key messages relating to durable solutions for this session and encourage the participants to read "Solutions" in *Protecting Refugees: A Field Guide for NGOs.*

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Handout 1 - Boringia Case Study 1: Voluntary Repatriation

The situation

After almost four years of bitter fighting, the rebel movement has established control over the entire Chakamakan territory.

A new government has been put in place, and, following a relatively free and fair election process, it has gained international recognition.

Parliament has adopted a new constitution. It recognises an extensive list of fundamental human freedoms and creates an independent watchdog to monitor the state's adherence to the constitution.

Over time, more than 350,000 Chakamakans fled into Boringia, where they have since benefited from a temporary protection regime. An estimated 320,000 Chakamakans are still displaced within the borders of their own country.

Under its national reconciliation agenda, the new government has called upon all Chakamakans in exile to come back and help rebuild the country.

Whilst several spontaneous repatriation movements have occurred, the large majority of refugees are still hesitant to go home, and there is general confusion and unease in the refugee population about the issue.

From meetings with refugee groups, it has become apparent to the NGOs, the National Red Cross Society, and the UNHCR that there are no firm guarantees concerning refugee safety or reliable information about the situation that refugees will face upon return. Their prospects for the future are also unclear.

In initial talks, there are some refugees who have indicated that they do not wish to repatriate under any circumstances.

At the same time, others have accused the Boringian government of exerting increased pressure, including withdrawal of material support from refugees, in an attempt to encourage voluntary repatriation.

Your task is to play the role of refugees

- You and your fellow refugees would like to return home as soon as possible. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like to see repatriation take place.
- Others within your population may not be able or willing to return. Explain who these groups are, why they are not able or willing to return, and how else their needs might be addressed.

You may wish to consult "Voluntary repatriation" in *Protecting Refugees: A Field Guide for NGOs.*

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Handout 2 - Boringia Case Study 2: Local Integration

The situation

After almost twelve years, the bitter fighting in the country of origin continues, and it is not clear whether many areas are under the control of the rebel movement or the government.

Both parties to the conflict have been accused of severe violations of human rights. In most of the country, the infrastructure and public services have broken down, and the economy has all but collapsed. International aid efforts have been sporadic and unreliable due to donor fatigue and insecure conditions.

Over time, more than 350,000 Chakamakans fled into Boringia where they have since benefited from a temporary protection regime. An estimated 320,000 Chakamakans are still displaced within their country.

In Boringia, many refugees live in camps, subsisting on handouts from NGOs and the Red Cross. They have been discouraged from moving to urban areas by the Boringian government, who saw their situation as temporary and expressed this in all its policies towards refugees.

The government was supported in this by public opinion in Boringia, which characterised the refugees as a potential drain on an already weak economy.

However, some refugees have managed to make it to towns and cities and set up home with friends or relatives. There are even some successful businesses run by refugees in towns; however, these operate illegally and without the requisite papers.

The large majority of Chakamakan refugees are still unwilling to go home, and the problem looks to be a long-term one.

Increasingly, refugees are becoming resigned to the idea that Boringia is their new home. Some refugees come from ethnic groups that are also represented in Boringia and therefore do not feel that they are in an alien environment. Others have less affinity with the Boringian population and have always retained the hope that some day they will be able to return.

Under pressure from the international community, the Boringian government has declared that it will consider allowing those Chakamakans who wish to remain in Boringia to settle permanently.

In initial talks, it appears that there is a great deal of confusion about what kind of actions the government will take to support the integration process.

Many refugees felt relief at the prospect of settling down once and for all and giving their children a fresh start.

However, now there is increasing doubt about what prospects they face if they take up the offer of local integration and relinquish their intention to return home. Some have even accused the Boringian government of intending to pressure refugees into local integration as part of a policy of support to the rebel forces in Chakamaka.

Your task is to play the role of refugees

- You and your fellow refugees would like to settle permanently in Boringia. Taking into account constraints that you know the actors face, come up with a workable list of conditions under which you would like integration to take place.
- Others within your population may not be able or willing to integrate. Explain who these groups are and how else their needs might be addressed.

You may wish to consult “Local integration” in *Protecting Refugees: A Field Guide for NGOs.*

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Trainer Guidance 1 - Possible Group Feedback

Preconditions for voluntary repatriation

- Assurances that refugees' rights will be respected during and after return;
- Information and an opportunity for "go and see" visits;
- Participation in the process of planning voluntary repatriation;
- Safe access for the UNHCR and others to the country of return to monitor the situation;
- Cooperation of local authorities in the country of origin;
- National law in the country of origin consistent with human rights law;
- Approval and support of local communities at home (those who stayed). It could be achieved by ensuring that assistance programmes benefit these communities as well as returnees;
- Guarantees of physical safety (vis-à-vis mines, unexploded ordnance, etc.);
- Land rights;
- Compensation for destroyed or lost property;
- Amnesties for those who were considered political criminals;
- Registration and full citizenship for children born in the country of asylum;
- Access to health, education, and other services necessary for life with dignity/adequate standard of living;
- Recognition of educational qualifications received in country of asylum;
- Vocational training and initial support for income generation;
- Continuity of paperwork – handing over of medical/ documentation such as "family books".

Those unwilling to repatriate

- Those who still fear persecution in the country of origin and want to have their claim for asylum individually considered (in a situation where all refugees were found *prima facie* to qualify for protection, there may be some within this group who continue to have a well-founded fear of persecution on an individual basis for reasons other than those for which the majority fled);
- Those who hope to be resettled in a third country;
- Vulnerable groups who will lose support networks developed during asylum;
- Those who feel they cannot reintegrate into their culture of origin due to changes in their outlook, gender role, and/or social structures during asylum.

Preconditions for integration

- Participation by refugees in the planning of phased integration/phased-out assistance;
- Full citizenship and all subsequent rights and obligations of a national;
- Legalisation of currently informal businesses;
- Health, education, and all other services necessary for life with dignity/adequate standard of living;
- Information links with country of origin;
- Efforts to support preservation of their culture;
- Freedom of movement;
- Income-generation programmes to support self-sufficiency;
- Land rights;
- Work permits;
- ID papers;
- Language assistance.

Those unwilling to integrate

- Those wishing to return to Chakamaka;
- Those wishing to be resettled in another country.

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Handout 3 - Optional Activity 3: Chakamakan Scenario

Durable solutions for Chakamakan refugees in Boringia

For the last 14 years, a bitter civil war has been waged in Chakamaka between the Chakamakan government and the rebels of the National Chakamakan Liberation Alliance. Over time, approximately 276,000 Chakamakans fled into the eastern provinces of neighbouring Boringia, where, ever since, they have benefited from temporary protection. In addition, an estimated 400,000 Chakamakans are said to be displaced within Chakamaka.

Most of the refugees reside in large refugee settlements, subsisting on humanitarian assistance and basic services dispensed by the Boringian Red Cross and international and local NGOs. In recent years, international support for the aid effort has dwindled because of so-called donor fatigue, lack of lasting peace prospects in Chakamaka, and, as a consequence, reduced international media attention.

For national-security reasons, it has been long-standing Boringian asylum policy that all refugees must reside in designated areas. The settlements are located some 90 km away from the border with Chakamaka. Local police teams are tasked to maintain law and order in the settlements. Refugees need to apply individually for written permission from the local police chief to leave a settlement.

According to the Boringian Ministry of the Interior, a monthly renewable permit is granted only to refugees who require urgent medical treatment or who have exceptional professional skills (such as engineers, pharmacists, and doctors).

Nevertheless, it is generally known that more than 6,500 refugees live and work in several Boringian cities without the requisite documents. When arrested, refugees face up to two years of imprisonment and/or hefty fines for having violated the 1989 Refugee Security Act.

Boringia is a party to the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, but it made several reservations particularly in relation to civil, political, social, and economic rights for refugees.

Refugees are not issued identity documents other than ration cards furnished upon registration in the camps. There are few, if any, prospects for Chakamakan refugees to restart self-reliant and productive lives in Boringian society. They are, in principle, not allowed to engage in wage-earning employment or self-owned commerce. Refugees are characterised in Boringian public opinion as unwanted competitors for scarce jobs.

Whilst, four years ago, several spontaneous repatriation movements took place, the large majority of the refugees are still very hesitant to go home.

From talks with the refugee communities, it has become apparent to field staff from the UNHCR, the Red Cross/Red Crescent, and NGOs that most refugees express strong willingness to go home but only when security conditions have considerably improved in Chakamaka.

However, relentless fighting in their areas of origin impedes voluntary return in conditions of safety and dignity. Some refugees have indicated that they do not wish to repatriate under any circumstances whatsoever. Others have accused the Boringian government of exerting increased pressure, including withdrawal of material support, in an attempt to speed up repatriation.

You may wish to consult “Voluntary repatriation” and “Local integration” in *Protecting Refugees: A Field Guide for NGOs.*

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Handout 4 - Optional Activity 3: Role 1

Role 1: A community services officer invited to a meeting with Chakamakan refugees in a camp

"Consulting with Chakamakan refugees in a camp"

You are an experienced (UNHCR) community services officer. You've been posted in a refugee camp in Boringia for the past year and have developed good relations with the Chakamakan refugee population, as well as with local community leaders.

Bitter fighting continues in several parts of the northern and eastern provinces of Chakamaka. No cessation of hostilities has held for more than three weeks in the last two years. Likewise, most international observers consider that there is very little prospect for a Chakamakan national reconciliation process in the near future.

The UNHCR has taken the position that conditions are generally not conducive to promoting voluntary repatriation to Chakamaka in safety and dignity.

The Chakamakan government has repeatedly called the refugees to return home and has pledged that it will ensure their security in the government-controlled areas. However, a promised amnesty is not in place as of yet.

You have also been informed that aid rations in the refugee camps will be progressively reduced in the coming months owing to donor fatigue.

You are to undertake an assessment of the refugees' perceptions of the most suitable solutions to their situations. To do this, you would like to call a refugee committee meeting to collect their views.

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Handout 5 - Optional Activity 3: Role 2

Role 2: A refugee community leader who is opposed to returning home

"Nobody should go back to Chakamaka"

Prior to fleeing to Boringia, you were a senior political opposition member in Chakamaka. You are not affiliated with, or a supporter of, the National Chakamakan Liberation Alliance. Instead, you have established an independent political party.

At present, you are a leading member of the refugee committee in a refugee camp in Boringia. You are employed by an international NGO that implements a camp management project under an agreement with the UNHCR. As programme officer, you are co-responsible for registration and food distribution in the camp.

You are concerned about repatriation to Chakamaka because:

- Bitter fighting continues in several parts of the northern and eastern provinces of Chakamaka;
- No cessation of hostilities has held for more than three weeks in the last two years; likewise, there is no credible national reconciliation process;
- A promised amnesty is still not in place;
- Massive return could be interpreted as a token of popular support for the current government;
- If people return, there will be less food aid for refugees in the camp.

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Handout 6 - Optional Activity 3: Role 3

Role 3: A refugee woman married to a national of the asylum country who wants to stay with her husband

"I want to stay in Boringia"

You arrived in Boringia in 1999 with a group of 30 refugees from your village. Whilst some consider going home, you don't want to return to Chakamaka. About a year ago, you married a Boringian man. At present, you are five-months pregnant with your first child. With help from your husband's family, you moved outside the camp and found work as a dressmaker in a shop.

Boringian law does not provide for facilitated naturalisation of refugees married to a Boringian national. However, a child born of a Boringian father can opt for Boringian citizenship at the age of majority.

You presented an expired driver's license when registering your marriage. Until now, you have neither valid identity documents nor a work permit issued by the Boringian authorities.

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Handout 7 - Optional Activity 3: Role 4

Role 4: A refugee woman who cannot return home or stay in the asylum country

"I can't go home, and I am not protected in Boringia"

Theo, your husband, has been involved in political activities since 1983, when he co-founded the Chakamakan National Democratic Alliance (CNDA), a party generally believed to constitute the political wing of the main rebel movement.

Civil strife turned into armed conflict in Chakamaka at the end of 1996, following the annulment of parliamentary elections in which Theo actively campaigned for the CNDA.

Paramilitary units forced their way into your apartment whilst searching for your husband. They verbally abused you, calling you a "traitor of the nation", and threatened to come again "to teach you and your children a lesson". Eventually, they departed after having destroyed your personal belongings. You and Theo decided to flee with your three children into Boringia by being smuggled across the border in October 1997. You were granted refugee status in 1999 after a 16-month procedure.

Your husband became highly abusive: he would beat and kick you severely.

Shortly before the birth of your fourth child, you found a letter from him telling you he was leaving you. Ever since, you have not received any news from him.

One day, on your way to the market, a man began harassing you. At one point, he prevented you from crossing the street and produced his immigration officer identity card. You were forcibly driven off to a small office where the beatings and verbal harassment continued for about six hours before being released.

Three days later, you filed a complaint and have since received numerous anonymous phone calls and letters with threats that you will be forcibly removed from Boringia should you refuse to withdraw the complaint.

Your younger brother departed four years ago to Canada, where he was allowed to take up residence. Some friends you met at a church service have offered to help him to provide private sponsorship for you and your four children.

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Module 9:
Durable Solutions

Objectives

- Identify the three types of durable solutions;
- Recognise the close link between refugee protection and durable solutions;
- Appreciate the importance of refugee participation and provision of information when deciding on a solution.

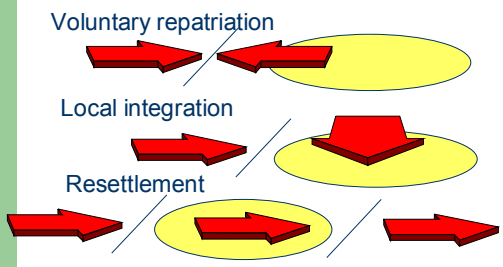
Overview

International protection is temporary substitute for safeguards of national protection.

Protection interventions need to support the attainment of the 3 durable solutions:

1. Voluntary repatriation;
2. Local integration;
3. Resettlement.

Durable solutions



Refugees cease to be refugees

When they:

- **Re-avail themselves of national protection in their home country** (but some may have compelling reasons not to return);
- **Re-acquire or obtain a new nationality.**

Voluntary repatriation - fundamental principles

- **Voluntariness** — Free and well-informed decision
- Return in **safety** — Conditions of legal, physical and material safety
- Return in **dignity** — Unconditional, Respectful treatment Not separated from family

What can the RC/RC and NGOs do?

- Incorporate monitoring activities into assistance programmes for returnees;
- Ensure local community benefit from returnee assistance;
- Facilitate reconciliation process;
- Share information with counterparts in country of asylum.

Local integration preconditions

- Full cooperation of host government;
- Sufficient external financial support;
- Receptivity of local population;
- Viable economic context for self-reliance;
- Full incorporation into new society (naturalisation).

Integration obstacles

Competition for scarce local resources

High cost of welfare services

Resistance of local population

Misuse of integration

Local integration
must not be imposed upon refugees
in order to impede voluntary return
(e.g., after expulsions)

What can/should the RC/RC and NGOs do to make solutions real?

- Help strengthen local socio-economic infrastructure;
- Identify income-generation options and stimulate participation of refugees;
- Promote community development and mitigate local resentment;
- Cooperate with other actors to develop phased assistance;
- Promote registration, the granting of identity documents and legal status.

What is resettlement?

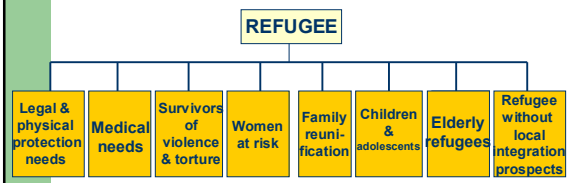
- A tool to provide international protection and meet the special needs of refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge;
- A durable solution to reinstate national protection, to restore basic dignity and safety, and to secure a future where refugees can enjoy life again;
- Means for international responsibility-sharing, whereby states assist each other to assure that refugees do not unduly impact the country of first refuge.

When can resettlement be considered?

- After establishing that a person is a refugee under the UNHCR's mandate;
- When a refugee is at risk in their country of refuge or has particular needs as established by UNHCR criteria;
- After fully exploring the possibility of local solutions;
- After evaluating the possibility that voluntary repatriation will be feasible or foreseeable within an acceptable time frame.

Who can be resettled?

Resettlement determination
UNHCR resettlement criteria



Legal and physical protection needs

- Immediate or long-term threat of *refoulement* to the country of origin or expulsion to an other country from where the refugee may be *refouled*;
- Threat of arbitrary arrest, detention, or imprisonment;
- Threat of physical safety or human rights violations in the country of refuge analogous to that considered under the refugee definition and rendering asylum untenable.

Family reunification

«The family is the natural and fundamental group unit of society and is entitled to protection by society and the State» (UDHR & CCPR)

The UNHCR promotes reunification of:

Nuclear family

- Husband and wife
- Parents and minor/dependent/unmarried children
- Unaccompanied minors with parents or siblings

Other dependent members of the family unit

- Dependent parents of adult refugees
- Other dependent relatives
- Other dependent members of the family unit

What resettlement is not

- A right;
- An immigration/ migration tool to reach the country of choice;
- A tool to only improve a person's economic/ social situation;
- The solution for all problems and challenges that a refugee is experiencing.

MODULE 10

ACTION-PLANNING

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Key Messages 2

Preparation 2

Module 10 Breakdown 2

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Activity 2 - Next Steps: Follow-up 5

Summary

It is well understood that training has more impact on the ground if **a mechanism for follow-up** is in place. During the first activity in this module, participants review the protection gaps identified throughout the workshop in order to identify the changes they might be able to make in their own organisations' work. Working as a group, they will:

- Identify areas for future action;
- Develop criteria for prioritising future actions;
- Prioritise these actions according to the criteria;
- Create an action plan.

This module presents **an opportunity for capturing the motivation** that participants have at the end of a workshop and for them to return home with **a tool – the action plan –** to help them to focus on changes they want to make when faced with the day-to-day challenges of work. The action plan should help them build these changes into their routines and eventually those of the organisation.

Participants will, however, understand that the scope of the action plan they derive will necessarily be limited, as they are working within the confines of a workshop.

Ideally, in the second part of this module, time should be allowed for them to discuss how they might **communicate with each other** in the future and to discuss what other follow-up they envision. For example, the trainer and participants might decide to set up e-mail lists, a network, or plan for a follow-up workshop, etc.

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Learning Objectives

By the end of the session, participants will have:

- Formulated a list of areas for action to improve refugee protection in their context;
- Created a proposal for the next steps they will take immediately after the workshop;
- Committed to circulating the findings of the workshop within their networks;
- Identified a fellow participant they will contact in the near future to discuss how implementation of the action plan is going.

Key Messages

- For each protection gap or problem, there is a protection solution. The solution may not be possible immediately, but actors can address protection problems in a number of ways, such as changing their practices over time, influencing others, advocacy, and fundraising to enable further interventions;
- Identifying and prioritising actions to solve protection problems should be done in consultation with all the concerned actors;
- Action plans should be SMART: specific, measurable, achievable, realistic, time-bound;
- Humanitarian workers have a responsibility to support and deliver these protection initiatives.

Preparation

- **Compile a list of protection gaps** that the participants have noted throughout the workshop;
- **Categorise them**, for example, according to area of interventions (e.g., work with refugee children) or by geographic zone (e.g., refugee camps close to the borders). This will make the list more manageable.

Module 10 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Creating an Action Plan	75'	Plenary	Flip charts with list of protection gaps Coloured paper and tape or post-it notes E-mail list of participants
Activity 2 - Next Steps: Follow-up	15'	Group work	
Total: 90 minutes			

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Activity 1 - Creating an Action Plan			
Timing		**Method**	**Resources needed**
Review of areas for future action	15'	Plenary	Flip charts with list of protection gaps
Identification of criteria	15'	Group work (depending on the group)	Coloured paper and tape or post-it notes
Prioritisation	15'		
Action-planning	30'		
Total: 75 minutes			

Note to trainer

- ✓ *It is possible to **begin the action-planning process in the introductory session** by asking quickly what each participant intends to do in relation to refugee protection. You can record their answers on a flip chart, depending on your time constraints.*
- ✓ *It can then be interesting to see how participants' thoughts have changed during the course of the workshop. This also has the additional advantage of enabling participants with similar desired outcomes to **link up during the workshop**.*
- ✓ *This session could continue for a much longer period of time, and, in order for a plan to be truly complete, others who are not participating in the workshop would need to be consulted.*
- ✓ *There are obvious practical constraints, for example, the participants will not have the latitude to increase or adjust their activity, the resources to adequately address the protection gaps or problems they have identified, or the ability to immediately change the project or programme objectives of their organisation.*
- ✓ *The point is probably to let **the interest of the group determine what types of plans** are developed once the planning stage has been reached (it's important to facilitate the identification and prioritisation of protection concerns in an objective way, but, when it comes to planning, the key has to be that **the plans are totally bought into by the people** in the room, and they have to be realistic, not just developed neatly to round off the workshop).*

Review of areas for future action (15 minutes)

Quickly review the list of protection gaps, missed opportunities, or areas for future action that has been compiled throughout the workshop. If participants want to add to the list at this stage, provide them with an opportunity to do so through a quick brainstorming in plenary.

Identification of criteria (15 minutes)

Ask participants to decide what criteria they would like to use to prioritise these areas for action.

Guide the discussion to a consensus on four or five criteria.

Ensure that the criteria are specific, realistic, and achievable. Criteria such as "reinforcing refugee protection" are too broad and not capable of being measured.

Some criteria you could **suggest** include:

- Is this a pressing need (i.e., a serious threat to life, physical integrity, or well-being)? If so, the humanitarian imperative applies; something needs to be done no matter how intractable the problem is;
- Does this issue affect a vulnerable group?
- Do we have the capacity to work on this issue?

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- Is there a high likelihood that we could make a difference on this issue?
- Is this something we can start working on right away?
- Are there other actors trying to work on this issue that we could work with (this could include other actors that are not represented at the workshop)?

Prioritisation (15 minutes)

In order to identify priorities, each person will have the chance to name their priorities and to mark them on the list of areas for action that was agreed in the first part of this session.

Each person in the room receives three stickers or has a marker and is allowed to place a sticker or put a mark next to three of the areas for action on the list according to how they vote on priorities.

For each criterion, **hold a round of voting**, where participants mark the three items on the list that, in their opinion, best meet this criterion. Repeat this procedure for each criterion. Add up the total score for each area for action on the list and prioritise them according to their score.

The group has now identified **the area for action** that they will create an action plan for.

Action-planning (30 minutes)

Either in small groups or in plenary, **create a blank table on a flip chart** for the area for action that has been prioritised. The table should have columns that say **"What?" "Who?" and "When?"**. These relate to the following:

- What do we plan to do about this issue?
- Who is responsible for doing what?
- When are we going to complete each stage of the plan?

At this stage, participants can also **formulate objectives** for the item they work on, as well as **the related activities**.

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Activity 2 – Next Steps: Follow-up			
Timing		**Method**	**Resources needed**
Next steps	**15'**	Plenary	E-mail list of participants
Total: 15 minutes			

Let's keep the communication going! (15 minutes)

Circulate an e-mail and contact list of participants at the workshop and give the group a chance to discuss how they might want to communicate with each other after the workshop. This will depend very much, of course, on the make-up and size of the group.

They might suggest setting up an e-mail contact list. If so, you as trainer might want to take responsibility for setting that up, or maybe someone from the group will want to do this.

Participants might also want to use this time to **agree on the need for a follow-up workshop** and **nominate someone** to take the lead on that.

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OPTIONAL MODULE

GENDER-BASED VIOLENCE (GBV)

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Summary

The Reach Out project designed this additional module on gender-based violence (GBV) in response to the **request and needs expressed by NGOs** working with refugees.

This module is designed to **increase field staff awareness, knowledge, and understanding** on GBV and aims ultimately to contribute to the effective protection of refugees and internally displaced persons (IDPs).

Given the level and the **target audience**, facilitators have the flexibility to build **a tailored session** by using the handouts provided at this end of this module. These provide practical information, figures, case studies, and lessons learned.

By all means, we encourage facilitators to **adapt this module** to the **needs of the participants** and their **specific context**.

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Learning Objectives

- To raise awareness of GBV;
- To get the participants to reflect on the link between GBV and protection in a given context;
- To discuss/share responses, strategies, and support mechanism to reduce and respond to incidents of GBV.

Key Messages

- **Acts of GBV violate a number of principles enshrined in international and regional human rights instruments**, including the right to life, equality, security of the person, equal protection under the law, and freedom from torture and other cruel, inhuman, or degrading treatment;
- **GBV increases in conflict-affected settings**, in refugee camps, and outside any formal setting such as villages. Even those tasked with protection and assistance, e.g., aid workers, can be perpetrators of GBV;
- **GBV has psychological, social, medical, and legal implications. In certain places, GBV contributes to the erosion of the social and economic fabric,** as women and girls play important roles in the maintenance of local economies;
- **GBV can be prevented through broad-based programmes designed and implemented proactively with the full participation of refugee communities**, especially those most vulnerable. Most often, it is the work of local women's organisations that provides the most inspiring examples of efforts to combat GBV;
- **Adequate emergency response measures for women who have been raped** – including proper medical examination, emergency contraception, and prevention and treatment for sexual transmitted infections, including HIV/AIDS – **must be available at the earliest stages of an emergency**, along with food, shelter, and water;
- **Any attempts to address GBV – both prevention and assistance to victims – must be the outcome of coordinated activities** between humanitarian organisations, constituent communities (host and refugees), health and social services, police and security forces, and the justice systems (including traditional or customary law and national legal institutions). **National government bodies should be responsible for overseeing this coordination.**

Preparation

- You should **download in advance** the article **"**A way to end female genital cutting**"** (see "Activity 2 - Wrap-up") if you wish to refer to it and distribute a copy to participants;
- You should also **download or order** your potential selection of **IRIN films** (See "Handout 11 - Essential Reading, Web Sites, Films, and Tools") that you would like to use during the training.

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Optional Module GBV Breakdown			
Timing		**Method**	**Resources needed**
Optional start	3'	Film	Optional Module GBV.ppt
Activity 1 - Defining GBV	15'	Plenary discussion	IRIN CD-ROM
Activity 2 - What Can I Do?	60'	Group work	Handout 1 - Definitions
Activity 3 - Action Points	15'	Presentation with slides	Handout 2 - Statistics and Facts
			Handout 3 - Forms of Sexual and Gender-Based Violence
			Handout 4 - Activity 2 - Role Plays
			Trainer Guidance 1 - Activity 2 - Role Plays
			Handout 5 - Case Studies
			Handout 6 - Checklist for Action
			Handout 7 - Matrix of Interventions to Prevent and Respond to Gender-Based Violence in Humanitarian Settings
			Handout 8 - Key Gender-Based Violence Guiding Principles
			Handout 9 - UNHCR Standards of Conduct - Ensuring Protection from Sexual Exploitation and Abuse
			Handout 10 - Secretary-General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse
Total: 90 minutes (without the optional start)			Handout 11 - Essential Reading, Web Sites, Films, and Tools

Sources and acknowledgement

- The outline of this module was designed by the Reach Out team, relying on materials from the Inter-Agency Standing Committee, the Reproductive Health Response in Conflict Consortium, and the UNHCR;

- It was then submitted to counterparts with expertise on GBV/SGBV for comments and input, including the IFRC, IRC in Kenya, MSF, NRC, Oxfam, UNDP, UNHCR, UNICEF, and the Women's Commission for Refugee Women and Children. This ongoing process of exchange and discussion on the content and the pedagogical approach has led to this version of the module;

- Please refer to "Handout 11 - Essential Reading, Web Sites, Films, and Tools" for more-detailed information on publications and tools used.

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Activity 1 - Defining Gender-Based Violence			
Timing		**Method**	**Resources needed**
Optional start	3'	Film	Optional Module GBV.ppt
Introduction	10'	Plenary discussion	IRIN CD-ROM
Conclusions	5'		Handout 1 - Definitions
Total: 15 minutes (without the optional start)			Handout 2 - Statistics and Facts Handout 3 - Forms of Sexual and Gender-Based Violence

Optional start (3 minutes)

You may wish to start with the beginning of **the film "Our bodies ... their battlegrounds"** (refer to "Handout 11 - Essential Reading, Web Sites, Films, and Tools" for details). This film highlights the crisis facing women, girls, and infants throughout the world, both during and following conflict. This short film allows **the session to start in a very targeted and effective way**.

Note to trainer

- ✓ ***We recommend** that **the first 2 minutes 25 seconds of this film be shown without the sound**.*
- ✓ ***Stress very clearly** to participants that these images can be shocking, although there are no explicit scenes of violence.*

Introduction (10 minutes)

Slide 1: Gender-based violence (GBV)

Slide 2: Objectives

- To raise awareness of GBV;
- To get the participants to reflect on the link between GBV and protection in a given context;
- To discuss/share responses, strategies, and support mechanisms to reduce and respond to incidents of GBV.

The beginning of this module should be conducted in a very **interactive manner**.

Ask the participants what their definition of GBV would be and who may be concerned.

Write their responses on a flip chart. **Sort these responses together** with the participants and establish categories:

- Sexual violence;
- Physical violence;
- Emotional and psychological violence;
- Harmful traditional practices;
- Socio-economic violence.

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You may distribute "Handout 1 – Definitions" and **refer specifically to the expanded definition of sexual and gender-based violence used by the UNHCR and implementing partners.**[1]

Concluding the discussion (5 minutes)

You can conclude by underlining the following:

GBV is an umbrella term for any harm that is perpetrated against a person's will that is the result of power imbalances that exploit distinctions between males and females, amongst males, and amongst females. Violence may be physical, sexual, psychological, economic, or socio-cultural.

Perpetrators may include family members, community members, or those acting on behalf of cultural, religious, state, or intrastate institutions. Although not exclusive to women and girls, GBV principally affects them across all cultures.[2]

Throughout history, GBV has been an integral component of armed conflict.

Sexual violence is often systematic for the purposes of destabilising populations and destroying bonds within communities and families, advancing ethnic-cleansing, expressing hatred for the enemy, or supplying combatants with sexual services. Evidence suggests that the use of rape as a weapon of war has increased dramatically in recent years in conflict areas.

You may illustrate your remarks by using the collection of real examples gathered in "Handout 2 - Statistics and Facts" to emphasise the human, economic, social, and health effects of GBV on a given situation, community, or country.

Other forms of GBV that may be of concern during war and its aftermath include:

- Early and/or forced marriage;
- Female infanticide;
- Enforced sterilisation or pregnancy;
- Domestic violence;
- Forced or coerced prostitution or other forms of sexual exploitation;
- Trafficking in women, girls, and boys;
- Intentional HIV transmission;
- Female genital mutilation (FGM).

Note to trainer

✓ ***If time allows**, you could facilitate a discussion and debate on the following: "In the context of the Millennium Development Goals, the abuse of power in the family in relation to preventing female children from going to school or playing, or even having the same food as their brothers and being discriminated against is a form of GBV."*

[1] Based on Articles 1 and 2 of the UN General Assembly Declaration on the Elimination of Violence against Women (1993) and Recommendation 19, paragraph 6, of the 11th Session of the CEDAW Committee; *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, Office of the United Nations High Commissioner for Refugees, Geneva 2003, p. 11.

[2] Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings*, Reproductive Health Response in Conflict Consortium, 2002.

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The linkage between gender inequality and power relations as the root cause of sexual GBV (SGBV) is crucial. "Gender has everything to do with power. Violence against women is a manifestation of historical unequal power relationships between men and women, a crucial social mechanism by which women remain in a subordinate position compared with men."[3]

For any **further information** related to various forms of SGBV, please refer to, and distribute if deemed appropriate, "Handout 3 - Forms of Sexual and Gender-Based Violence".

[3] Beth Vann, *Gender-Based Violence Emerging Issues in Programs Serving Displaced Populations,* JSI Research and Training Institute, 2002, pp. 7-8. Original quote is from DEVAW 1993 and reads as follows: " ….that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men…".

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Activity 2 - What Can I Do?			
Timing		**Method**	**Resources needed**
Instructions	5'	Instructions given in plenary	Handout 4 - Activity 2 - Role Plays
Group work	30'	Small group work	Trainer Guidance 1 - Activity 2 - Role Plays
Feedback	20'	Feedback in plenary	Handout 5 - Case Studies
Wrap-up	5'	Wrap-up	
Total: 60 minutes			

Note to trainer

✓ *These **role plays can be emotionally draining and shocking** to some participants. Therefore, it is advisable that they be warned beforehand, and ensure a proper debriefing at the end.*

Instructions for the exercise (5 minutes)

Divide the participants into groups of four, ensuring that the groups are gender-balanced. If you think that women will not be able to freely express their feelings, then create a group of only female participants.

Indicate to participants that the short role plays will be illustrating various forms of GBV.

Identify participants who will be playing the respective roles.

At the end, **distribute** to each group "Handout 4 – Activity 2 - Role Plays", comprising a brief summary of the role play and the related questions.

Each group is **tasked** with answering questions from one or two role plays depending on the number of groups.

Given time constraints or the targeted audience, **you may wish to pick only one role play** and expand on it with more-specific questions related to the participants' context.

- **Role play 1:** rape, host/refugee community relationships;
- **Role play 2:** domestic violence, unequal access to food and non-food items, and customary law;
- **Role play 3:** sexual exploitation and code of conduct;
- **Role play 4:** female genital mutilation and traditional practices.

Group work (30 minutes)

Ask each group to appoint a rapporteur who will report back to the plenary.

Ask groups to record their findings on flip charts.

Walk amongst the groups to ensure that they are on the right track and that there is full/active participation amongst the participants.

Feedback (20 minutes)

Feedback from each group must be short (five minutes) and should be completed by other groups' findings/outcomes.

Key points related to the role play should be covered.

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"Trainer Guidance 1 - Activity 2 - Role Plays" summarises all of these key points and can be referred to for further explanations.

Draw from the participants' own experiences when possible.

Be ready to provide specific programming activities and lessons learned illustrating gender-based violence to allow space for discussion and reflection amongst participants.

Note to trainer

✓ *If **other concerns** arise during the feedback process, remember to make use of the **park sheet,** or you may wish to **allocate more time** as you identify a genuine need for participants to discuss these issues. In such a case, you must point out that you will need to shorten either the coffee break or the lunch break.*

Wrap-up (5 minutes)

Wrap up by **highlighting key messages** through examples given by participants.

Option

Alternatively, you may wish to draw directly from the participants' knowledge and experiences by asking them to provide a specific case they've encountered on one of the following topics, ensuring that confidentiality will be maintained, i.e., specific agencies/staff should not be mentioned.

- Rape, host/refugee community relationships;
- Domestic violence, unequal access to food and non-food items, and customary law;
- Sexual exploitation and code of conduct;
- Female genital mutilation and traditional practices.

Ask them to **identify the problems** related to this case and how (should be seen as a broad view: activities, evaluation, negotiation, etc.) they responded to the needs of the survivors, refugee/host community, etc. See "Handout 5 - Case Studies".

The article "**A way to end female genital cutting**"[4] can be **required in advance** or **downloaded**[5] and **distributed** at the end of the exercise.

[4] Gerry Mackie, "A Way to End Female Genital Cutting", FGC Education and Networking Project, 2003.
[5] The Female Genital Cutting Education and Networking Project: www.fgmnetwork.org.

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Activity 3 - Action Points			
Timing		**Method**	**Resources needed**
Presentation and wrap-up	**15'**	Discussion facilitated in plenary	Optional Module GBV.ppt Handout 6 - Checklist for Action Handout 7 - Matrix of Interventions to Prevent and Respond to Gender-Based Violence in Humanitarian Settings Handout 8 - Key Gender-Based Violence Guiding Principles Handout 9 - UNHCR Standards of Conduct - Ensuring Protection from Sexual Exploitation and Abuse Handout 10 - Secretary-General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse Handout 11 - Essential Reading, Web Sites, Films, and Tools
Total: 15 minutes			

Note to trainer

- ✓ *This part highlights **the findings** and **key messages**, leading to the closure of this module.*
- ✓ ***Illustrate each of the key messages with examples** that were given throughout the session or even turn to participants to have them fully engage at this stage. Remember to **keep it short and snappy**. This is not the time for a major discussion or debate.*
- ✓ ***"Handout 6 - Checklist for Action"**, "**Handout 7 - Matrix of Interventions to Prevent and Respond to Gender-Based Violence in Humanitarian Settings"**, and "**Handout 8 - Key Gender-Based Violence Guiding Principles"** can be distributed at the end of the session to allow further in-depth reading and provide further information, if participants are interested.*

Presentation of slides (15 minutes)

Slide 3: Action points

Slide 4: What is gender all about?

With this first slide, ensure that the definition on **gender** and/or any related key words or concepts have been well assimilated by the participants.

Slide 5: GBV - 5 possible categories

To understand an issue fully, you must be able to identify it or at least know what forms in can take. This list summarises **the various forms of GBV** that can be encountered in the field.

Highlight that, when it comes to GBV, women and girls are indeed the most vulnerable, but it is also crucial to explain that **boys and men** can be subjected to identical violence (rape, forced recruitment, etc.).

Cultural peculiarities are often used to justify the use of violence towards women. Stress that the right to be free from abuse is a **fundamental and universal right**.

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Slide 6: What can NGOs do?

Remind participants that **awareness-raising, training,** and refresher courses on GBV and on the code of conduct for staff within an organisation contribute actively to the protection of refugees.

Highlight the importance of understanding and knowing **the coordination mechanism and activities** amongst the numerous stakeholders. This enables one to respond in a much more effective way and to reduce the incidence of GBV.

The impact of GBV is far-reaching both for the victim and for society in general. **Strategies** to respond to the many forms of GBV must adopt a **holistic approach and extend to all sectors**.[6]

Slide 7: What can I do?

Emphasise the existing risks of GBV.

Remind participants that some donors(the UN, for example) now insist on a code of conduct.

Give the example of agreements that NGO partners have with the UNHCR: "Handout 9 - UNHCR Standards of Conduct - Ensuring Protection from Sexual Exploitation and Abuse".

Refer to the UN Secretary-General's bulletins in "Handout 10 - Secretary-General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse", which includes the six basic elements that should be in all codes of conduct. The SG's Bulletin on Sexual Exploitation and Abuse is applicable to all UN staff and, in Section 6, it refers to collaborative arrangements with non-UN entities, so **it is relevant for NGOs**.

At this stage, you can **complete the missing key points**.

To **encourage participants** to further their understanding and knowledge on this topic, "Handout 11 - Essential Reading, Web Sites, Films, and Tools" can be distributed.

Note to trainer

- ✓ *If time allows, you can expand on **monitoring systems**, **investigation, confidentiality**, and **sanctions**, etc.*

[6] Extract from *UNICEF Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse.*

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Handout 1 - Definitions

Gender

The term *gender* refers to those characteristics of men and women that are socially determined in contrast to those that are biologically determined.

It defines culturally acceptable attitudes and behaviour of men and women, including responsibilities, advantages, disadvantages, opportunities, constraints, roles, status, and power assigned to women and men in society.

Gender roles are learned through socialization and vary within the society or culture. Gender is not static or innate but evolves to respond to changes in the social, political, and cultural environment.[7]

It is widely recognised that women's needs tend to be overlooked within humanitarian assistance and assessment programmes.

Addressing gender issues in the context of humanitarian assistance therefore involves looking at the different needs and interests, power imbalances, and inequalities that exist between women and men.

Gender-based violence (GBV)

GBV is used to distinguish common violence from violence that targets individuals or groups of individuals on the basis of their gender.

GBV has been defined[8] as violence that is directed at a person on the basis of gender or sex.

It includes acts that inflict physical, mental, or sexual harm or suffering; threats such as coercion; and other deprivations of liberty.

It includes sexual violence, sex trafficking, forced prostitution, spousal abuse, emotional and psychological abuse, female genital mutilation, forced marriage, infanticide of female children, and discriminatory practices based on gender.

The majority of GBV cases are directed towards women and girls, but boys and men can also be victims.

GBV has become a weapon of war often conducted on a massive scale. Such violence is frequent in countries where total impunity of perpetrators is the rule, following the collapse of police and legal systems and the total chaos inherent in war.[9]

GBV is often used to demonstrate the power of the winning side and as a tool of psychological warfare to spread terror and panic amongst the enemy.

GBV is also used to dehumanise the enemy, i.e., to show that they are not worthy of civilised treatment. It emasculates the "losing" males, who can no longer protect their women, whilst isolating the female victims, or it is even used to punish women depicted as "traitors".

It has also been used to destroy another ethnic group by eliminating women or having them give birth to children of mixed ethnicity, who in turn are likely to be outcasts.

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[7] *Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention*, CCSEA Sierra Leone, 2003.
[8] Violence Against Women, CEDAW, General Recommendation 19* UN GOAR, 1992.
[9] "United Nations, Women, Peace and Security", study submitted by the Secretary-General pursuant to Security Council Resolution 1325, 2002, p. 2.

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Expanded definition of sexual and gender-based violence used by the UNHCR and implementing partners[10]

Gender-based violence is violence that is directed against a person on the basis of gender or sex. 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 victims of gender-based violence, women and girls are the main victims.

GBV shall be understood to encompass, but shall not be limited to, the following:

a) Physical, sexual, and psychological violence occurring **in the family**, including battering, sexual exploitation, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

b) Physical, sexual, and psychological violence occurring **within the general community**, including rape; sexual abuse; sexual harassment and intimidation at work, in educational institutions, and elsewhere; trafficking in women and forced prostitution;

c) Physical, sexual, and psychological violence **perpetrated or condoned by the state and institutions**, wherever it occurs.

Power

Power is the capacity to make decisions or the ability to influence control.

All relationships are affected by the exercise of power. When power is used to make decisions regarding one's own life, it becomes an affirmation of self-acceptance and self-respect that, in turn, fosters respect and acceptance of others as equals. When used to dominate, power imposes obligations on restricts, prohibits and make decisions about the lives of others.[11] [
In GBV, unequal power relationships are exploited or abused through the use of physical force or other means of coercion, such as threats, inducement or promise of a benefit to obtain sexual favours from a weaker or more vulnerable person.

In humanitarian crises, affected populations depend on the protection and assistance of institutions.

Humanitarian aid workers, government, security and law-enforcement officials are in a privileged position, as they have the power to make decisions that will affect the well-being of the persons they are assisting.[12.]

Sex

The term *sex* refers to the biological characteristics of males and females. These characteristics are congenital, and their differences are limited to physiological reproductive functions[13.]Sex is not changeable and it does not vary across societies, cultures, or historical periods.

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[10] Based on Articles 1 and 2 of the UN General Assembly Declaration on the Elimination of Violence against Women (1993) and Recommendation 19, paragraph 6, of the 11th Session of the CEDAW Committee; *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*, Office of the United Nations High Commissioner for Refugees, Geneva 2003, p. 11.
[11] *Sexual Exploitation and Abuse Prevention*, CCSEA Sierra Leone. November 2003.
[12] *Guidelines for Prevention and Response*, Office of the United Nations High Commissioner for Refugees, Geneva 2003.
[13] *Ibid.*

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Violence

The term *violence* refers to all acts that cause direct physical, mental, or sexual harm or suffering and includes threats of such acts. It is a means of control and oppression that can include emotional, social, or economic force, coercion, or pressure, as well as physical harm. It can be overt, in the form of physical assault or threatening someone with a weapon; it can be covert, in the form of intimidation, threats, persecution, deception, or other forms of psychological or social pressure.[14] The person targeted by this kind of violence is compelled to behave as expected or to act against her/his will out of fear.

An incident of violence is an act or a series of harmful acts by a perpetrator or a group of perpetrators against a person or a group of individuals. It may involve multiple types and repeated acts of violence over a period of time, with variable durations.

Violence against women[15]

"….the term 'violence against women' means any act of GBV that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

"Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

[14] *Sexual and Gender- based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response,* Office of the United Nations High Commissioner for Refugees, Geneva 2003.
[15] Declaration on the Elimination of Violence against Women (DEVAW), Art. 1 and 2, 1993.

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Handout 2 - Statistics and Facts

Global statistics[16]

- Violence against women and girls is a major health and human rights issue. At least one in three of the world's female population has been physically or sexually abused at some time in her life.[17] Many, including pregnant women and young girls, are subject to severe, sustained, or repeated attacks.[18]
- Worldwide, it has been estimated that violence against women is as serious a cause of death and incapacity amongst women of reproductive age as cancer, and a greater cause of ill-health than traffic accidents and malaria combined.[19]
- According to a WHO study, one in three women in rural Uganda is subject to verbal or physical threats from their partners, whilst 50 per cent of those women who have been threatened subsequently receive injuries. Beating a female partner was viewed as justifiable in certain circumstances by 70 per cent of the male respondents and 90 per cent of the female respondents. The study also revealed that domestic violence may be an important factor in women's susceptibility to acquiring HIV.[20]
- A study in Nicaragua showed that 40 per cent of women of reproductive age had experienced physical violence by a partner. Seventy per cent of the physical violence was considered severe, whilst a total of 31 per cent of women were beaten during at least one of their pregnancies.[21]

Refugee/internally displaced/conflict-affected statistics[22]

- In June 2004, the UNHCR approximated that 200,000 Sudanese had fled into Chad and another 1 million were estimated to be internally displaced due to increased violence in the Darfur region of Sudan.[23] Displaced Sudanese women and men report abduction and widespread rape of women in Darfur by the Janjaweed. And women and girls in Chad crossing back to Sudan in search of water, food, and firewood also face risk of sexual violence.[24]
- Due to systematic and exceptionally violent gang rape, doctors in the Democratic Republic of Congo are now classifying vaginal destruction as a crime of combat. Thousands of Congolese girls and women suffer from vaginal fistula — tissue tears in the vagina, bladder, and rectum — after surviving brutal rapes in which guns and branches were used to violate them.[25] A survey of rape survivors in the South Kivu region revealed that 91 per cent suffered from one or several rape-related illnesses.[26]

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[16] Excerpt from the web site of the Reproductive Health Response in Conflict (RHRC) Consortium, in the section "RHR Basics": www.rhrc.org/rhr_basics/gbv.
[17] L. Heise, M. Ellsberg, and M. Gottemoeller, "Ending Violence Against Women", *Population Reports*, Series L No. 11, 1999, Baltimore, Population Information Program, Johns Hopkins School of Public Health.
[18] Violence Against Women Fact sheet, WHO.
[19] *World Development Report 1993: Investing in Health*, World Bank, New York 1993.
[20] WHO Bulletin 2003 "Domestic violence in rural Uganda: Evidence from a community based study".
[21] *Ibid*.
[22] *Op. cit*., Note 16.
[23] UNHCR.
[24] UNFPA press release, "Women suffer brunt of conflict in western Sudan, UNFPA warns", 4 May 2004.
[25] *Washington Post*.
[26] International Alert report.

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- According to UNIFEM, mass rape in the Democratic Republic of the Congo has been accompanied by sexual mutilation and cannibalism, with armed groups particularly targeting pygmy women for cannibalism and genocide.[27]
- As many as 3,000 women in central Kivu in the Democratic Republic of the Congo were raped between 1999 and mid-2001, demonstrating the extent to which rape is used as a weapon of war in the Congo's five-year conflict.[28]
- Sexual violence and abduction of women and girls have greatly increased in Baghdad, Iraq, according to Human Rights Watch. Insecurity and fear are keeping women and girls housebound, out of school, and out of work.[29]
- Since the fall of the Taliban, 235 women in Afghanistan have tried to kill themselves by self-immolation, according to the Afghan Independent Human Rights Commission. Thousands of Afghan women try to commit suicide every year due to their domestic situation.[30]
- In an RHRC Consortium survey conducted in East Timor, physical assault by non-family members decreased from 24.4 per cent during the crisis to 5.8 per cent post-crisis. Sexual assault decreased by more than half once the conflict ended. This study demonstrates the increased incidence of GBV during conflict.[31]
- Approximately 50,000 to 64,000 internally displaced women in Sierra Leone have histories of war-related assault,[32] whilst 50 per cent of those who came into contact with the Revolutionary United Front reported sexual violence.[33]
- According to a 1999 government survey, 37 per cent of Sierra Leone's prostitutes were less than 15 years of age, and more than 80 per cent of those under 15 were unaccompanied or children displaced by the war.[34]
- During the war in Bosnia and Herzegovina in the early 1990s, it is estimated that between 20,000 and 50,000 women were raped.[35]
- Refugees International estimates that up to 40 per cent of women were raped during Liberia's 14-year civil war;[36] and teenagers were the most targeted group.[37]
- Displaced women face sexual exploitation by aid workers, as demonstrated by reports from West Africa[38] and the abuse of Bhutanese women in refugee camps in Nepal.[39]
- Findings from a study of Palestinian refugee women indicate that 30 per cent of women were subjected to beating at least once during their marriage, with the husband as the main perpetrator.[40]

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[27] UNIFEM fact sheet.
[28] *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, Human Rights Watch, 2002, http://www.hrw.org/reports/2002/drc/.
[29] *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad,* Human Rights Watch, 2003, http://hrw.org/reports/2003/iraq0703/.
[30] BBC News, 23 March 2004.
[31] M. Hynes, et al., "Field Test of a Gender-Based Violence (GBV) Survey in East Timor: Lessons Learned", presentation at the RHRC Consortium Conference 2003: Reproductive Health from Disaster to Development, Brussels, 2003.
[32] *War-Related Sexual Violence in Sierra Leone: A Population-Based Assessment*, Physicians for Human Rights, Boston 2002.
[33] *Physicians for Human Rights* Sierra Leone report May 2003.
[34] *Situation Analysis of Women and Children in Sierra Leone*, Government of Sierra Leone, Freetown 1999.
[35] M. Olujic and V. Nikolic-Ristanovic, cited in Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings*, Reproductive Health Response in Conflict Consortium, 2002
[36] Refugees International 2004.
[37] Statement by Gertrude Garway, Liberian specialist in sexual violence against women
[38] Secretary General's Bulletin October 2003 / The SCF/UNHCR report on West Africa: www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1550_unhcr-scuk%20wafrica%20report.pdf.
[39] Cited in WeNews report.

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- Twenty-five per cent of Azeri women surveyed in 2000 by the Centers for Disease Control acknowledged being forced to have sex; those at greatest risk were amongst Azerbaijan's internally displaced, 23 per cent of whom acknowledged being beaten by their husbands.[41]
- An estimated 40,000 Burmese women are trafficked each year into Thailand's factories, brothels, and domestic work.[42]
- Two Shan rights groups documented that the Burmese army has carried out mass rapes involving hundreds of women and girls in central Shan Province; employing rape as a weapon of war, the Burmese government has been trying to violently suppress a local rebellion in this area since the mid-1990s.[43]
- In a 1995 survey of post-conflict Nicaragua, 50 per cent of female respondents said they had been beaten by their husbands, and 30 per cent said they had been forced by their husbands to have sex.[44]
- The majority of Tutsi women in Rwanda's 1994 genocide were exposed to some form of GBV; of those, it is estimated that between 250,000 and 500,000 survived rape.[45]
- A 1982 study of Guatemalan refugee women found that their most overwhelming fear was that of being raped.[46]

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[40] "Domestic violence among selected Palestinian refugee communities in Lebanon: An exploratory study and ideas for further action", Association Najdeh, 1999.
[41] J Kerimova et al., "Factors Associated with Self-reported Forced Sex Among Azerbaijani Women," unpublished abstract presented at the Reproductive Health for Refugees Consortium Conference, Washington, DC, 2000.
[42] *Cycle of Suffering,* Human Rights Documentation Unit and Burmese Women's Union, Bangkok 2000.
[43] *License to rape*, Shan Women's Action Network & Shan Human Rights Foundation, 2002.
[44] "Situation of Gender-based Violence Against Women in Latin America and the Caribbean: National Report Nicaragua", United Nations Development Program, New York 2001.
[45] *Survey on Violence Against women in Rwanda,* Association of Widows of the Genocide (Avega), Kigali 1999.
[46] V. Rich, *Gender Violence in Guatemala*, cited in Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings*, Reproductive Health Response in Conflict Consortium, 2002.

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Handout 3 - Forms of Sexual and Gender-Based Violence

The following tables were taken from the UNHCR report "Sexual and gender-based violence (GBV) against refugees, returnees and internally displaced persons". This list is neither exhaustive nor exclusive and should be viewed as a practical tool that can help to identify various existing forms of sexual and gender-based violence.

Acts of gender-based violence have been grouped into five categories:

- Sexual violence;
- Physical violence;
- Emotional and psychological violence;
- Harmful traditional practices;
- Socio-economic violence.

Physical violence

Type of act	Description/Examples	Can be perpetrated by
Physical assault	Beating, punching, kicking, biting, burning, maiming, or killing, with or without weapons; often used in combination with other forms of sexual and gender-based violence	Spouse, intimate partner, family member, friend, acquaintance, stranger, anyone in position of power, members of parties to a conflict
Trafficking, slavery	Selling and/or trading in human beings for forced sexual activities, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs	Any person in a position of power or control

Emotional and psychological violence

Type of act	Description/Examples	Can be perpetrated by
Abuse/Humiliation	Non-sexual verbal abuse that is insulting, degrading, demeaning; compelling the victim/survivor to engage in humiliating acts, whether in public or private; denying basic expenses for family survival	Anyone in a position of power and control; often perpetrated by spouses, intimate partners, or family members in a position of authority
Confinement	Isolating a person from friends/family, restricting movements, deprivation of liberty, or obstruction/restriction of the right to free movement	Anyone in a position of power and control; often perpetrated by spouses, intimate partners, or family members in a position of authority

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Sexual violence

Type of act	Description/Examples	Can be perpetrated by
Rape and marital rape	The invasion of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body by force, threat of force, coercion, taking advantage of a coercive environment, or against a person incapable of giving genuine consent (International Criminal Court)	Any person in a position of power, authority and control, including husband, intimate partner, or caregiver
Child sexual abuse, defilement, and incest	Any act where a child is used for sexual gratification. Any sexual relations/interaction with a child	Someone the child trusts, including parent, sibling, extended family member, friend or stranger, teacher, elder, leader or any other caregiver, anyone in a position of power, authority and control over a child
Forced sodomy/anal rape	Forced/coerced anal intercourse, usually male-to-male or male-to-female	Any person in a position of power, authority and control
Attempted rape or attempted forced sodomy/anal rape	Attempted forced/coerced intercourse; no penetration	Any person in a position of power, authority and control
Sexual abuse	Actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions	Any person in a position of power, authority and control, family/community members, co-workers, including supervisors, strangers
Sexual exploitation	Any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another (IASC); sexual exploitation is one of the purposes of trafficking in persons (performing in a sexual manner, forced undressing and/or nakedness, coerced marriage, forced childbearing, engagement in pornography or prostitution, sexual extortion for the granting of goods, services, assistance benefits, sexual slavery)	Anyone in a position of power, influence, control, including humanitarian aid workers, soldiers/officials at checkpoints, teachers, smugglers, trafficking networks
Forced prostitution (also referred to as sexual exploitation)	Forced/coerced sex trade in exchange for material resources, services and assistance, usually targeting highly vulnerable women or girls unable to meet basic human needs for themselves and/or their children	Any person in a privileged position, in possession of money or control of material resources and services, perceived as powerful, humanitarian aid workers
Sexual harassment	Any unwelcome, usually repeated and unreciprocated sexual advance, unsolicited sexual attention, demand for sexual access or favours, sexual innuendo or other verbal or physical conduct of a sexual nature, display of pornographic material, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment	Employers, supervisors or colleagues, any person in a position of power, authority, or control
Sexual violence as a weapon of war and torture	Crimes against humanity of a sexual nature, including rape, sexual slavery, forced abortion or sterilisation or any other forms to prevent birth, forced pregnancy, forced delivery, and forced child-rearing, amongst others. Sexual violence as a form of torture is defined as any act or threat of a sexual nature by which severe mental or physical pain or suffering is caused to obtain information, confession, or punishment from the victim or third person, intimidate her or a third person or to destroy, in whole or in part, a national, ethnic, racial or religious group	Often committed, sanctioned, and ordered by military, police, armed groups, or other parties in conflict

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Harmful traditional practices

Type of act	Description/examples	Can be perpetrated by
Female genital mutilation (FGM)	Cutting of genital organs for non-medical reasons, usually done at a young age; ranges from partial to total cutting, removal of genitals, stitching whether for cultural or other non-therapeutic reasons; often undergone several times during lifetime, i.e., after delivery or if a girl/woman has been victim of sexual assault	Traditional practitioners, supported, condoned, and assisted by families, religious groups, entire communities and some states
Early marriage	Arranged marriage under the age of legal consent (sexual intercourse in such relationships constitutes statutory rape, as the girls are not legally competent to agree to such unions)	Parents, community and state
Forced marriage	Arranged marriage against the victim's/survivor's wishes; often a dowry is paid to the family; when refused, there are violent and/or abusive consequences	Parent, family members
Honour killing and maiming	Maiming or murdering a woman or girl as punishment for acts considered inappropriate for her gender that are believed to bring shame to the family or community (e.g., pouring acid on a young woman's face as punishment for bringing shame to the family for attempting to marry someone not chosen by the family), or to preserve the honour of the family (i.e., as a redemption for an offence committed by a male member of the family)	Parent, husband, other family members or members of the community
Infanticide and/or neglect	Killing, withholding food, and/or neglecting female children because they are considered to be of less value in a society than male children	Parent, other family members
Denial of education for girls or women	Removing girls from school, prohibiting or obstructing access of girls and women to basic, technical, professional or scientific knowledge	Parents, other family members, community, some states

Socio-economic violence

Type of act	Description/examples	Can be perpetrated by
Discrimination and/or denial of opportunities, services	Exclusion, denial of access to education, health assistance or remunerated employment; denial of property rights	Family members, society, institutions and organizations, government actors
Social exclusion/ostracism based on sexual orientation	Denial of access to services, social benefits or exercise and enjoyment of civil, social, economic, cultural and political rights, imposition of criminal penalties, discriminatory practices or physical and psychological harm and tolerance of discriminatory practices, public or private hostility to homosexuals, transsexuals or transvestites	Family members, society, institutions and organizations, government actors
Obstructive legislative practice	Denial of access to exercise and enjoy civil, social, economic, cultural and political rights, mainly to women	Family, community, institutions and state

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Handout 4 – Activity 2 - Role Plays

Role play 1: rape, host/refugee community relationships

Two refugee women are collecting firewood for their cooking fires just outside the camp. Suddenly, they are attacked and gang-raped by a group of villagers who were fed up that the refugees were depleting their resources. In the course of this sinister attack, one refugee woman is even killed. This event triggers an emotional response within the refugee camp, where leaders are calling for revenge.

Questions

- What could you do as an NGO working in the camp to prevent any further violence against these refugee women?
- How do you ease the tensions in the camp and between the two communities?

Role play 2: domestic violence, unequal access to food and non-food items, and customary law

A woman, along with her children, has been severely beaten by her drunken husband. In agony and scared, they come to seek refuge in your office. The woman starts to explain that all the food and non-food items distributed by NGOs are being diverted by her husband for gambling and drug purposes. She and her children are malnourished and subjected to daily beating and humiliation. She cannot appeal to her community, as her husband is the son of the powerful clan chief of the refugee camp. You indeed notice that the mother and the children are in great shock and in need of immediate medical assistance.

Questions

- What immediate actions do you take to ensure the protection of this mother and her two children?
- What solution do you put in place regarding the husband?

Role play 3: sexual exploitation and code of conduct

You are a humanitarian aid worker and suspect that your colleague, who has become your best friend over the past several months, is behaving inappropriately. You believe that he is luring refugee minors, girls as well as boys, into his room in order to have sexual relations with them in exchange for non-food and food items.

Questions

- What do you do?
- In your capacity as manager, what do you put in place to avoid a similar situation in the camp?

Role play 4: female genital mutilation and traditional practices

You are on an assessment mission in a refugee camp. During your stay, you discover that female genital mutilation is being performed with the consent of the tribal chief and that the camp manager has been aware of this practice but has been unwilling to do anything about it. He thinks that there are far greater priorities to be tackled for the present time and that this is a traditional practice.

Question

What recommendations or suggestions can you make to prevent and/or stop this harmful practice?

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Trainer Guidance 1 – Activity 2 - Role Plays

Role play 1: rape, host/refugee community relationships

- Have specific activities been implemented for the host communities?
- Has training amongst the local population taken place?
- Identify other existing alternatives to firewood, such as a stove.

You may wish to refer to the case study entitled "A pioneering programme helps victims of gender-based violence" in Handout 6, which illustrates the implementation of a successful IRC programme against GBV in Tanzanian refugee settings. The case study "Overcoming rape through counselling and support" in Handout 6 addresses more the issue of counselling support/mechanisms towards refugee women.

Role play 2: domestic violence, unequal access to food and non-food items, and customary law

Refer to the following principles: confidentiality; respect the wishes, dignity, and rights of the survivors. Customary law versus national/ international law. Customary law is practised in camps, with traditional courts made up of refugee leaders, and it reflects their cultural values and norms. In some settings, these courts result in further discrimination and victimisation of women.

Acts of GBV violate numerous principles of international human rights, including: the right to life, equality, security of person, equal protection under the law, freedom from torture and other cruel, inhuman, or degrading treatment.[47]

Key international documents include:

- The Convention on the Rights of the Child (1989);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1981);
- The Declaration on the Elimination of All Forms of Violence against Women (UN General Assembly, 1993);
- Rome Statute of the International Criminal Court (entered into force July 2002);
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. It was adopted on 11 July 2003, though it has yet to be ratified by most African countries.

For any additional solution-focused responses, you may refer participants to the case study: "Addressing domestic violence amongst Palestinian refugees" in Handout 6, which provides a real example of how to address this issue and elaborate practical and sustainable solutions.

Role play 3: sexual exploitation and code of conduct

Although sexual abuse and exploitation occur in many different contexts, there are specific factors in humanitarian crises that heighten the potential for this form of exploitation.[48]

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[47] This paragraph is an excerpt from the *UNICEF Training of Trainers on Gender-Based Violence: Focusing on Sexual Exploitation and Abuse*.
[48] *Idem,* except last key point.

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- Lack of economic opportunities for displaced populations may result in commercial and exploitative sex being one of the few options for income generation to meet basic needs;
- In many countries, laws are inadequate to protect children and women from sexual exploitation and abuse. For example, in countries where the age of marriage or consent to sexual relations is as low as 14, children may receive little protection from local laws and practices;
- Corruption and impunity tend to be endemic in crisis situations, often leading to lack of accountability for perpetrators of gender-based violence;
- Lack of privacy in camp settings often means that children are exposed to sexual activity from a young age;
- The scarcity of humanitarian relief exacerbates economic vulnerability;
- Does your organisation have a code of conduct? Have you been required to sign it?

In addition, you may wish to refer to the learning points extracted from the Gender Training Pack of the International Federation of Red Cross and Red Crescent Societies.

Definition of sexual abuse and exploitation	✓**Sexual abuse** refers to "actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions". ✓**Sexual exploitation** refers to "any abuse of position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another".
The lessons learned about how to tackle sexual abuse and exploitation	✓It is important for managers to immediately **determine the nature** of the reported concern. If it is a suspected violation of law, it must be reported to the authorities. If substantiated as "only" a violation of the code of conduct, suspension of the alleged perpetrator during the time of the internal assessment should be undertaken. ✓**Consult/cooperate** with the Human Resources, Legal Departments, and report to the Risk Management and Audit Department. ✓**Conduct an internal assessment/investigation** to establish what has happened. Ensure that victims and witnesses are protected. Take written and signed statements. Terminate mission/employment if the alleged perpetrator is proven guilty. Compile a final report.
Preventive actions from human resources point of view	✓**Ensure a mainstreamed** approach to prevention in human resources. Address the issue during recruitment and when obtaining references. Include in training, inductions, and briefing. If needed, conduct specific training on the issue. ✓**Ensure,** as far as it is possible, **a balance between men and women,** both as delegates and volunteers. ✓Managers **must ensure that everyone is familiar with the code of conduct** for staff, if one exists. **Clear reporting lines** for staff and volunteers should be outlined. Also ensure that there are human resources policies on sexual harassment, etc. ✓And have **clear instructions** for those working in the field regarding disciplinary and grievance procedures related to sexual exploitation/abuse.
Preventive measures from a broad perspective	✓**Conduct situation analysis/needs assessment** to identify especially vulnerable groups such as unaccompanied children or single-headed families. ✓**Co-operate with other humanitarian organisations** such as by jointly organising specific training and exchanging ideas on good practice. ✓**Ensure that correct procedures** are in place. See that the issue is covered in monitoring and evaluation. ✓**Provide accountability** towards the refugees by keeping them informed about their rights and how they can forward complaints. ✓**Ensure** that the ways in which **logistical procedures and the provision of security** are organised within the camp facilitate, rather than impede, the protection of vulnerable groups from assault of a sexual nature.

Role play 4: female genital mutilation and traditional practices

You may wish to refer to the article "A way to end female genital cutting" (see "Activity 2 - Wrap-up") and to analyse with participants the dynamics leading to a total banning of this harmful practice.

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Handout 5 - Case Studies[49]

Doing "bad things to women" in Sudan

Mura is a 65-year-old woman who fled her village, Kurbya, in Sudan and arrived in Bahai, Chad, with her husband, daughter, son-in-law, and six grandchildren. She explained in a quiet voice how the Janjaweed stole all their livestock and that Sudanese government soldiers shot at her and her neighbours and burned their village. Her sister was killed, and the family lost five other children during the chaos of flight. She estimated that 25 young women around 20 years old were taken by the Janjaweed. "The Janjaweed always do bad things to the women," she says.

Overcoming rape through counselling and support

Dominique, a 40-year-old woman from the Democratic Republic of Congo, was raped by a soldier when her village was invaded by Rwandan military forces. She fled to Zambia for safety. Upon arrival, she discovered that she was pregnant. She also found her husband, who had left her alone with their three children three years earlier. They had become separated when he encountered rebel forces whilst travelling and then fled to Zambia. He was already remarried and would not speak to her, seeing that she was pregnant. When she encountered the counselling services of Hodi, a local NGO committed to improving the life of poor communities, she was despondent with grief and did not want the baby. Through counselling, however, she has accepted the situation and has decided to use post-natal services. She has started to focus on her baby and is now rebuilding her life.

Addressing domestic violence amongst Palestinian refugees

Huda is a young Palestinian refugee woman who lives with her husband and five children in the Rashidyeh camp in Tyre (southern region of Lebanon). Her husband is unemployed and drinks alcohol excessively. He treats Huda badly, hitting and beating her and the children on a daily basis. Whenever things get out of hand, Huda leaves home and takes refuge at her parents' house. Her husband had forbidden the children from leaving with their mother as a way to pressure Huda and punish her for leaving the house. Huda always goes back to him for the sake of the children. Every time she reconciles with him, he forces her to have sex without protection, often resulting in a new pregnancy. Although the family needs the money, the husband forbids her from working whenever they fight because of the evident signs of beating on her body and his fear of her talking to other people and exposing his behaviour. After hearing a lecture on sexual and reproductive health sponsored by a local NGO working with Palestinian refugees, Huda started talking about her domestic problem with the staff of the NGO, and she asked for support and advice. The last time she left home, her husband forced their eldest daughter to quit school in order to take care of her siblings and other domestic matters. The NGO's social worker intervened, convincing the husband to allow the daughter to return to school. The social worker then persuaded Huda to return home under a set of conditions established to ensure her security. The social worker discussed the possibility that the father may behave aggressively towards his daughter and sexually assault her whilst he is under the influence of alcohol. The mother's presence at home could help deter such behaviour. The social worker also spoke to Huda's relatives, asking them to monitor the situation daily and intervene to provide security for Huda and her children.

[49] Excerpt from the web site of the Reproductive Health Response in Conflict Consortium, in the section RHR Basics: www.rhrc.org/rhr_basics/gbv.

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A pioneering programme helps victims of gender-based violence

During the influx of Burundian refugees to Tanzania in 1993, many women and girls were raped or otherwise abused. Due to the breakdown of the traditional system that ensured their protection, the women were suffering in silence and were not reporting these cases to anyone for fear of being further victimised or isolated.

In 1996, the International Rescue Committee (IRC) carried out a survey to determine the extent of GBV in the camps. This led to the establishment of the GBV programme to protect women by raising awareness in the community and involving the community in the prevention of GBV. In addition, the programme provided a forum in which women and girls could discuss their problems and provide each other with support and advice.

As a pioneer in this area, the IRC met with great resistance from some members of the community. Nevertheless, raising awareness and involving both men and women in the prevention of GBV increased support for the programme over time. Many other organisations have now followed in the IRC's footsteps by establishing similar programmes in other refugee camps. IRC Tanzania has since increased the scope of its GBV projects by training NGO staff, the police, Tanzanian government leaders, and officials and community-based leaders.

In 1999, the Bureau of Population, Refugees and Migration and the United Nations High Commissioner for Refugees recognised the contribution the GBV programme was making to prevent GBV in the camps and provided additional funding for the programme. With this funding, IRC Tanzania was able to continue conducting awareness meetings and community training, greatly improving the community's role in preventing GBV in the camps. In 2001, upon the request of the IRC, the UNHCR and local authorities of the Tanzanian legal system established mobile court services in all camps. The community support groups now offer awareness training, a reporting and referral system, counselling and health services, and a drop-in centre that is open 24 hours a day. This programme has now become a community concern and has given confidence to women to "raise their voices" and be proactive regarding issues very important to them.

We have learned that, in this environment, success in fighting GBV depends on how well both men and women are involved in the design and implementation of the programmes and that a women-only focus will limit the success of the programme.

Sexual exploitation and abuse by aid workers in West Africa[50]

In February 2002, the UNHCR and Save the Children (UK) published a survey in Liberia, Guinea, and Sierra Leone,[51], the findings of which revealed that displaced children and women were being abused and exploited by aid workers.

The team interviewed 1,500 children and adults (internally displaced and refugees) to determine the scope of sexual violence and exploitation. They discovered that exploitation and abuse were extensive, with sexual exploitation mainly taking the form of casual encounters between the exploiter and the victim.

According to the report, the prime exploiters included agency workers from local and international NGOs and UN organizations – those entrusted to protect and assist. A total of 67 individuals from a range of organisations were implicated. Agency workers were allegedly using humanitarian assistance and services (medication, food, plastic sheeting, education, skills training, school supplies, and building materials) in exchange for sex with women and girls under 18.

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[50] Contribution from Tracy Vaughan, IRC in Kenya.

[51] *Note for Implementing and Operational Partners on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone*, UNHCR/Save the Children (UK), 2002: www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1550_unhcr-scuk%20wafrica%20report.pdf.

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The UN's Office of Internal Oversight Services undertook a follow-up mission. It confirmed that there was evidence of sexual abuse, but it challenged the extent of it, criticising the lack of detailed evidence in the original report, which made it difficult to hold any individuals to account.

Nevertheless, the results of these reports catalysed action. Many organisations had not recognised the risks of exploitation and abuse in humanitarian situations, but, as a result, many put systems in place aimed at reducing the risks. Individual organisations developed codes or systems. In addition, the Inter-Agency Standing Committee (IASC) developed a task force to look into the issue, which came up with a number of tools for organisations. Some donors, including the UNHCR, and the US State Department's Bureau for Population, Refugees and Migration, now require implementing partners to have codes of conduct. The recommendations from the IASC provided the basis of the content in the SG's Bulletin,[52] which is a binding document for all UN employees and employees of UN implementing partners.

Whilst the example from West Africa highlights the vulnerabilities of displaced populations to abuse and exploitation by aid workers, it is probably true to say that most abuse happens within communities and families. But even one abuse case contravenes the duty of care we have as humanitarian organisations. The organisation is responsible if staff contravene standards of ethical behaviour.

Sexual exploitation and abuse remain on the agenda of humanitarian organisations, as evidenced by the reports that members of the UN's largest peacekeeping mission in DRC have been abusing and exploiting women and children.[53] Hence the need for continued vigilance and Prevention from Sexual Exploitation and Abuse mainstreaming within all organisations working with vulnerable groups.

[52] "Special Measures for Protection from Sexual Exploitation and Sexual Abuse United Nations", United Nations, Secretary-General's Bulletin, 9 October 2003, ST/SGB/2003/13: www.un.org/staff/panelofcounsel/pocimages/sgb0313.pdf

[53] A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, www.reliefweb.int/rw/lib.nsf/db900SID/LKAU-6B6G4D/$FILE/Zeid%20report%20_A-59-710_%20English.pdf?OpenElement

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Handout 6 - Checklist for Action[54]

Prevention and response to gender-based violence in displaced settings

Coordination and planning

- Create an interagency working group of partners and stakeholders to develop a plan of action; implement, monitor, and evaluate;
- Appoint a focal point for the implementation of a plan of action and follow-up to the plan;
- Advocate and agree with the WFP and NGOs on distribution standards and codes of conduct for employees aimed at effectively outlawing abuse of power, whereby entitlements are withheld, only made available conditionally, or used to coerce or induce sexual favours;
- Establish regular coordination meetings with all actors to ensure concerted effort in prevention and response to gender-based violence;
- Review existing budgets/projects with a view to incorporate the recommendations of the working group.

Staff awareness-raising and training

- Launch a code of conduct; train all staff with regard to its meaning;
- Establish a training strategy for the GBV situation (who needs to be trained in what) and implement the plan;
- Ensure that all relevant guidelines and reference material are made available in the field site (in appropriate languages);
- Train and sensitise all staff, security agents, health workers, social counsellors, leaders, and other relevant actors.

Staff management responsibilities (accountability)

- Managers must ensure that the training plan is implemented;
- Ensure individual responsibility for promoting gender equality;
- Review recruitment procedures to ensure increased female deployment at all levels;
- Ensure that the code of conduct is adhered to by all staff;
- Promote the development of internal cultures within agencies for abuses to be reported in a confidential manner and acted on immediately;
- Ensure that international staff, managers, and heads of offices visit refugees on a regular basis;
- Introduce rotation systems for existing field staff, taking into consideration continuity, staff morale, and motivation.

[54] Adapted from a checklist developed by the UNHCR, Geneva 2003. Gender-Based Violence Global Technical Support Project. Produced by The Gender-Based Violence Global Technical Support, Project of the RHRC Consortium, www.rhrc.org /JSI Research and Training Institute, June 2004. Contact us: gbvresources@jsi.com

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Prevent GBV by providing adequate humanitarian assistance and services

Needs assessment

- Identify and agree on appropriate assistance and protection standards in all sectors that respect refugees' dignity, address basic needs, and have a positive impact on the prevention of all forms of GBV;
- Commission a sector-based survey to ascertain minimum standards as per UNHCR guidelines;
- Develop and implement a training plan for various groups of refugees, including gender and human rights awareness;
- Strengthen information-distribution systems to ensure that all refugees receive information pertaining to their lives in the camps, rights, and duties, etc.

Community involvement/consultation

- Increase regular meetings in camps involving international staff in which individual refugees can raise their concerns in a private manner;
- Establish a children's forum in the camps and continue to sensitise and give increasing responsibility to the youth through the effective working of youth groups or clubs responsible for security, education/skill training, and recreational activities, equally for boys and girls;
- Confirm/identify the community focal points and redefine their roles for increased community participation, including promotion of the role of women in all aspects of the camp life, in particular, distribution of food and non-food items;
- Work with refugee committees to ensure that they establish their own code of conduct and that they respect it.

Monitoring and evaluation

- Review, adapt, and monitor distribution systems and other services to ensure that everyone has free access to rightful assistance and that abuse is prevented.

Put in place systems to respond to the needs of victims

- Establish a confidential reporting system for individuals to report cases of GBV;
- Work with the community to identify/create safe space for reporting (e.g., drop-in centres);
- Each sector must design and implement appropriate response mechanisms based on the needs of victims, namely, health, legal/justice, psychosocial, safety (see below).

Sector-by-sector actions for prevention and response to GBV

Food

- Review the composition of the food basket and undertake an assessment of food quantities, food accessibility, cultural food practices, and additional food needs;
- Ensure refugee women's involvement in the food-distribution process;
- Ensure that proper monitoring is in place.

Logistics

- Ensure that appropriate means of transportation are provided to vulnerable beneficiaries and that appropriate escorts are provided where necessary to provide security.

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Household assistance

- Provide clothing, including underwear, and shoes for refugees (with priority granted to refugees at risk, such as adolescent girls);
- In order to reduce the need for firewood and girls'/women's exposure when gathering it, provide fuel-efficient stoves to households.

Water

- Ensure that water points, latrines, and other facilities (schools, health posts, etc.) are located in secure areas and that they are within easy walking distance from private shelters.

Sanitation

- Promote family latrines for refugees through the provision of adequate tools and material: target one latrine per family;
- Sanitary facilities, in particular bathing areas, should be well demarcated and separated for females and males.

Health

- Involve female and male community members in addressing issues of reproductive health (RH) and harmful traditional practices, e.g., female genital mutilation, sexual exploitation, prostitution, abuse of girls and boys;
- Identify and train young women to be able to identify the RH needs of exploited young women for referral to health posts;
- Develop a mechanism to ensure confidentiality through which men and women can channel their opinions on how to improve or make the RH services more accessible;
- Intensify the dissemination of information and promote the use of RH services through the use of radio, schools, health and social clubs, peer education, and community health workers;
- Strengthen collaboration and coordination amongst all sectors and implementing partners in addressing GBV with emphasis on the needs of the victims; e.g., case management, advocacy, emotional support;
- Work with and train all health personnel to ensure full understanding of the relationship between GBV and other health problems;
- Provide sanitary packs to all women and girls of reproductive age;
- Provide comprehensive health care that is easily accessible;
- Medical examinations and treatment should be performed by trained staff, ideally of the same sex as those in need of the service;
- Appropriate protocols and adequate equipment, supplies, and medicine should be used to do the following:
  - Conduct examinations;
  - Treat injuries;
  - Prevent disease, including sexually transmitted infections and HIV/AIDS;
  - Prevent unwanted pregnancy;
  - Collect forensic evidence;
  - Document, collect, and analyse incident and treatment data for monitoring and evaluation;
  - Refer and provide transport to appropriate levels of care when needed;
  - Provide follow-up care and monitor the health needs of victims;
- Identify and design strategies to address contributing factors, such as alcoholism;
- Testify in court about medical findings if a victim chooses to pursue police action;
- Collaborate with traditional health practitioners to identify, report, refer, and provide adequate primary-level support to survivors;

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- Ensure equal access to health care for women, men, and adolescents and the quality of service provided;
- Collaborate with health-facility staff, traditional practitioners, and the community on training and sensitisation.

Infrastructure and shelter

- In cooperation with refugees, review special shelter needs in light of GBV concerns and ensure privacy for each family. Distribute additional plastic sheeting and other construction material as required;
- Ensure access to assistance for shelter construction for those unable to construct shelters for themselves, especially female-headed households.

Community services

- Develop mechanisms to ensure systematic monitoring of specific needs of the most vulnerable persons and of solutions that are being implemented to address these needs;
- Identify, train, and support community-based support workers to help survivors by providing emotional support, information about choices and services available, referral, and advocacy;
- Develop women's activity/support groups or support groups specifically designed for victims of sexual violence and their families;
- In collaboration with health actors and refugee women, establish drop-in centres where survivors can receive confidential and compassionate listening, counselling, information, support, and advocacy.

Education

- Promote an increased level of school attendance at the primary level;
- Adapt existing education programmes to see how they can address the issue of child sexual exploitation (life-skills training, peace education) and detect problems children may be facing;
- Build safeguards into education structures to ensure that sexual exploitation does not take place within the school system, e.g., pay close attention to recruitment and monitoring of teachers, increase number of female staff;
- Institute and enforce a code of conduct for teachers;
- Raise awareness amongst the refugees to understand the importance of education for all children and adolescents, especially girls;
- Provide school uniforms and supplies and cover examination fees for refugee children when this is required by educational institutions;
- Establish non-formal education/vocational training programmes targeting those most vulnerable to gender-based violence and other forms of abuse.

Income generation

- Implement income-generating activities for refugee parents, women-headed households, and others who are amongst the most vulnerable to sexual abuse;
- Identify means by which income-generating activities can respond to non-food items needed, e.g., purchase soap from refugee soap-makers;
- Increase funding where possible for micro-finance, include refugees and returnees in national micro-finance programmes;
- Strengthen agriculture programmes to ensure that refugees have access to appropriate food supplements;
- Actively encourage refugees to have their own kitchen gardens.

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Legal assistance and protection (including refugee security)

Legal environment

- Promote the definition of a *child* as anyone below the age of 18, as established by the Convention on the Rights of the Child (CRC);
- Provide identity cards for all registered refugees;
- Undertake a review of the existence and implementation of adequate national legislation ensuring protection of women's and children's rights on the one hand and prosecution of perpetrators of sexual violence on the other;
- Lobby governments to implement the CRC and to sign and ratify the Optional Protocols to the CRC;
- Lobby governments to ensure that abuses by national police and security forces are prevented and effectively prosecuted if they occur;
- Work with human rights agencies to create an environment for changes in legislation and the policies of government on issues related to the protection of children and women;
- Use guidelines and legal services in partnership with local lawyers' associations, female lawyers' associations, and other advocacy groups when appropriate laws do not exist.

Legal justice (police and national courts)

- Whenever possible, engage same-sex advisers, interpreters, and police interviewers for following up on reports. The absence of a same-sex interviewer should not, however, prevent follow-up action: opposite-sex interviewers are just as good if they act compassionately and with sensitivity;.
- Advise the victim on the consequences of his or her decisions and the importance of taking legal action against the perpetrator;
- Counsel the victim on the applicable law, procedures, evidentiary requirements, and likely time frame of a court proceeding;
- Prepare the victim about what to expect in court, the types of questions likely to be asked, and the general insensitivity she or he may face along the way;
- Accompany the victim to the police station and court;
- When appropriate, allocate resources for mobile courts to make the legal system more accessible in remote locations;
- Ensure that the rights of the victim are promoted and protected through the legal process;
- Follow up closely with police/prosecutors to ensure rigorous prosecution of sexual and gender-based crimes, with minimal delays and disruptions to the process;
- Follow up with the court and offer basic support if needed.

Legal justice (traditional and customary law)

- Should the survivor wish to pursue justice through traditional and customary laws, the protection officer should ensure that the procedures and processes are fair and just;
- Track cases in which traditional and customary laws are used.

Security

- Organise training and sensitisation for security enforcement agencies on gender-based violence, the CRC, national laws, reporting and referral mechanisms, as well as prevention at the field level;
- Undertake a security assessment to identify risk factors in the camp and its surroundings and to address the potential risks appropriately;
- Request that authorities establish and/or strengthen police posts in all camps, including regular patrols, in order to increase camp security and protect refugees.

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Handout 7 - Matrix of Interventions to Prevent and Respond to Gender-Based Violence in Humanitarian Settings[55]

	Functions & Sectors	Emergency Preparedness	Minimum Prevention and Response in an Emergency	Comprehensive Prevention and Response (Stabilised phase)
1	**Coordination**	• Determine coordination mechanisms and responsibilities • Identify and list partners and GBV focal points • Promote human rights and best practices as central components to preparedness planning and project development • Advocate for GBV prevention and response at all stages of humanitarian action • Integrate GBV programming into preparedness and contingency plans • Coordinate GBV training • Include GBV activities in interagency strategies and appeals • Identify and mobilise resources	**1.1 Establish coordination mechanisms and orient partners** **1.2 Advocate and raise funds** **1.3 Ensure Sphere standards are disseminated and adhered to**	• Continue fundraising. • Transfer coordination to local counterpart • Integrate comprehensive GBV activities into national programmes • Strengthen networks • Enhance information-sharing • Build (human) capacity • Include governments and non-state entities in coordination mechanisms. • Engage community in GBV prevention and response
2	**Assessment and monitoring**	• Review existing data on nature, scope, and magnitude of GBV • Conduct capacity and situation analysis and identify good practices • Develop strategies, indicators, and tools for monitoring and evaluation	2.1 Conduct coordinated rapid situation analysis 2.2 Monitor and evaluate activities	• Maintain a comprehensive database • Conduct a comprehensive situation analysis • Monitor and evaluate GBV programmes, gender-balanced hiring, application of code of conduct • Review data on prevention measures, incidence, policies and instruments, judicial response, social support structures, • Assess and use data to improve activities
3	**Protection**	• Review national laws, policies, and enforcement realities on protection	3.1 Assess security and define protection strategy	• Expand prevention of, and response to, GBV • Provide technical assistance to judicial and criminal-

[55] Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies, Inter Agency Standing Committee, 2005.

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	Functions & Sectors	Emergency Preparedness	Minimum Prevention and Response in an Emergency	Comprehensive Prevention and Response (Stabilised phase)
	(legal, social and physical)	from GBV • Identify priorities and develop strategies for security and prevention of violence • Encourage ratification, full compliance, and effective implementation of international instruments • Promote human rights, IHL, and good practices • Develop mechanisms to monitor, report, and seek redress for GBV and other human rights violations • Train all staff on international standards	3.2 Provide security in accordance with needs 3.3 Advocate for implementation of and compliance with international instruments and seek accountability/redress	justice systems for reforms and effective implementation of laws in accordance with international standards • Strengthen national capacity to monitor and seek redress for violations of HRL/IHL • Encourage ratification of international instruments, and advocate for full compliance and effective implementation • Promote human rights, IHL, and good practices • Ensure that GBV is addressed by accountability mechanisms • Ensure that programmes for demobilisation, reintegration, and rehabilitation include women and children affiliated with warring factions • Ensure that programmes for reintegration and rehabilitation include survivors/victims of GBV and children born of rape • Provide training to relevant sectors, including security forces, judges and lawyers, health practitioners, and service providers
4	**Human Resources**	• Ensure that the Secretary General's Bulletin is distributed to all staff and partners, and train accordingly • Train staff on gender-equality issues, GBV and guiding principles, and international legal standards • Develop a complaints mechanism and investigations strategy • Minimise risk of SEA of beneficiary community by humanitarian workers and peacekeepers	4.1 Recruit staff in a manner that will discourage SEA 4.2 Disseminate and inform all partners on codes of conduct 4.3 Implement confidential complaints mechanisms 4.4 Implement SEA focal group network	• Monitor effectiveness of complaint mechanisms and institute changes where necessary • Institutionalise training on SEA for all staff, including peacekeepers

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	Functions & Sectors	Emergency Preparedness	Minimum Prevention and Response in an Emergency	Comprehensive Prevention and Response (Stabilised phase)
5	**Water and Sanitation**	• Train staff and community WATSAN committees on design of water-supply and sanitation facilities	5.1 Implement safe water and sanitation programmes	• Conduct ongoing assessments to determine gender-based issues related to the provision of WATSAN • Ensure representation of women on WATSAN committees
6	**Food Security and Nutrition**	• Train staff and community food-management committees on design of food-distribution procedures • Conduct contingency planning • Preposition supplies	6.1 Implement safe food security and nutrition programmes	• Monitor nutrition levels to determine any gender-based issues related to food security and nutrition
7	**Shelter and Site Planning, and Non-Food Items**	• Train staff and community groups on shelter/site planning and procedures for the distribution of non-food items • Ensure safety of planned sites and of sensitive locations within sites • Plan provision of shelter facilities for survivors/victims of GBV	7.1 Implement safe site planning and shelter programmes 7.2 Ensure that survivors/victims of sexual violence have safe shelter 7.3 Implement safe fuel-collection strategies 7.4 Provide sanitary materials to women and girls	• Conduct ongoing monitoring to determine any gender-based issues related to shelter and site location and design
8	**Health and Community Services**	• Map current services and practices • Adapt/develop/disseminate policies and protocols • Plan and stock medical and RH supplies • Train staff in GBV health care, counselling, referral mechanisms, and rights issues • Include GBV programmes in health and community service contingency planning	8.1 Ensure women's access to basic health services 8.2 Provide SV-related health services 8.3 Provide community-based psychological and social support for survivors/victims	• Expand medical and psychological care for survivors/victims • Establish or improve protocols for the collection of medical/legal evidence • Integrate GBV medical management into existing health-system structures, national policies, programmes, and curricula • Conduct ongoing training and supportive supervision of health staff • Conduct regular assessments on quality of care • Support community-based initiatives to support survivors/victims and their children • Actively involve men in efforts to prevent GBV • Target income-generation programmes at girls and women

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	Functions & Sectors	Emergency Preparedness	Minimum Prevention and Response in an Emergency	Comprehensive Prevention and Response (Stabilised phase)
9	**Education**	• Determine education options for boys and girls • Identify and train teachers on GBV	9.1 Ensure girls' and boys' access to safe education	• Include GBV in life-skills training for teachers, girls, and boys in all educational settings • Establish prevention and response mechanisms to SEA in educational settings
10	**Information, Education & Communication**	• Involve women, youth, and men in developing culturally appropriate messages in local languages • Ensure use of appropriate means of communications for awareness campaigns	10.1 Inform community about sexual violence and the availability of services 10.2 Disseminate information on international humanitarian law to arms-bearers	• Provide IEC through different channels • Support women's groups and men's participation to strengthen outreach programmes. • Implement programmes to change behaviour on SV (behavioural change communication programmes)

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Handout 8 - Key Gender-Based Violence Guiding Principles[56]

All camp management staff should also have a clear understanding of the key gender-based violence (GBV) guiding principles. These key principles include the following:

- **The safety and security of the victim** is of primary importance;
- **The wishes, rights, and dignity of the victim** must be respected at all times;
- **All information regarding the victim and her/his family** must be kept **confidential** and will only be shared with those who need to know, with the explicit consent of the victim. Those with whom the information might be shared include:
  - Police;
  - Hospitals;
  - Officers of agencies with a protection mandate (e.g., the UNHCR or UNICEF) or otherwise involved in addressing the needs of victims;
  - Agencies working in the area of GBV;
  - Ministry of social welfare.
- **Confidentiality** means that information is kept private between consenting individuals. Information can be shared only with others who need to know in order to provide assistance and intervention with the consent of the survivor.
- **Consent is a mutual agreement.** Informed consent means making an informed choice freely and voluntarily by persons in an equal power relationship. **Acts of GBV occur without consent.** Children (persons under age 18) are deemed unable to give informed consent for acts such as female genital mutilation, marriage, and sexual relations.
- **GBV is a violation of an individual's basic human rights.**
- **Cultural practices that are harmful** to women should be approached and challenged with respect, sensitivity, and care.

Sources

- *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response,* Office of the United Nations High Commissioner for Refugees, Geneva 2003.
- Beth Vann, *Gender-Based Violence. Emerging Issues in Programs Serving Displaced Populations*, Reproductive Health for Refugees Consortium, 2002.

[56] Camp Management Toolkit, Chapter 7, "Prevention of gender-based violence", www.nrc.no/NRC/eng/frames/camp.htm.

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Handout 9 - UNHCR Standards of Conduct - Ensuring Protection from Sexual Exploitation and Abuse[57]

Sexual exploitation and sexual abuse may occur in many different forms. Sexual exploitation is defined as any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially, or politically from the sexual exploitation of another. Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching by force or under unequal or coercive conditions.

1. Sexual exploitation and abuse by personnel working on projects/sub-projects funded by the UNHCR constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading, or exploitative behaviour is prohibited. This includes any exchange of assistance that is due to beneficiaries;

4. Sexual relationships between personnel working on projects/sub-projects funded by the UNHCR and beneficiaries of assistance undermine the credibility and integrity of the work of the UN, and the UNHCR in particular, and are strongly discouraged since they are based on inherently unequal power dynamics;

5. Where personnel working on UNHCR projects/sub-projects develop concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established reporting mechanisms;

6. Personnel of agencies, both non-governmental and governmental, working on UNHCR-funded projects and sub-projects are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

These six standards are not intended to be an exhaustive list. Other types of sexually exploitative or abusive behaviour may be grounds for disciplinary measures, including summary dismissal.

In entering into cooperative arrangements with the UNHCR, agencies and governments undertake to inform their personnel of the six core principles listed above and to work to ensure adherence to them. By signing a sub-project agreement with the UNHCR, the parties to the agreement undertake to abide by and promote these principles. The failure of partner agencies to take measures to prevent abuse, investigate allegations of abuse, and to take disciplinary action when sexual exploitation or sexual abuse is found to have occurred, will constitute grounds for termination of a sub-project agreement with the UNHCR.

[57] NGO partners that sign an agreement with the UNHCR commit to ensuring protection from sexual exploitation and abuse. This is detailed in Appendix 2 of sub-project agreements.

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Handout 10 - Secretary-General's Bulletin - Special Measures for Protection from Sexual Exploitation and Sexual Abuse[58]

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly Resolution 57/306 of 15 April 2003, "Investigation into sexual exploitation of refugees by aid workers in West Africa", promulgates the following in consultation with executive heads of separately administered organs and programmes of the United Nations:

Section 1: Definitions

For the purposes of the present bulletin, the term "sexual exploitation" means 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. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Section 2: Scope of application

2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".

2.3 Secretary-General's bulletin ST/SGB/253, entitled "Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment", and the related administrative instruction[59] set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

Section 3: Prohibition of sexual exploitation and sexual abuse

3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:

(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;

(b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;

[58] "Special measures for protection from sexual exploitation and sexual abuse", United Nations, Secretary-General's Bulletin, 9 October 2003, ochaonline.un.org/DocView.asp?DocID=1083.
[59] Currently ST/AI/379, entitled "Procedures for dealing with sexual harassment".

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(c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;

(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;

(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

Section 4: Duties of heads of departments, offices and missions

4.1 The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.

4.2 The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section 3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

4.3 The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.

4.4 The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.

4.5 The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.

4.6 The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

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Section 5: Referral to national authorities

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

Section 6: Cooperative arrangements with non-United Nations entities or individuals

6.1 When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.

6.2 The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

Section 7: Entry into force

The present bulletin shall enter into force on 15 October 2003.

(Signed) Kofi A. Annan

Secretary-General

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Handout 11 - Essential Reading, Web Sites, Films, and Tools

Reading[60]

- Anastasia Bermúdez Torres, *Gender and Forced Migration*, FMO Research Guide, 2002, www.forcedmigration.org/guides/fmo007.
- Gerry Mackie, "A Way to End Female Genital Cutting", FGC Education and Networking Project, 2003.
- Gender and Humanitarian Resource Kit, Inter-Agency Standing Committee, March 2001, www.reliefweb.int/library/GHARkit/.
- Guidelines for HIV/AIDS Interventions in Emergency Settings: *Guidelines focusing on the early phase of an emergency,* Inter-Agency Standing Committee 2004.
- *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, Inter Agency Standing Committee, 2005, www.humanitarianinfo.org/iasc/publications.asp.
- "Our Bodies – Their Battle Ground: Gender-based Violence in Conflict Zones", IRIN Web Special on violence against women and girls during and after conflict, September 2004, www.irinnews.org/webspecials/GBV/default.asp.
- Charlotte Lindsey, *Women Facing War: The Impact of Armed Conflict on Women*, International Committee of the Red Cross, Geneva 2001, www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0798/$File/ICRC_002_0798_EXEC_SUMM.PDF!Open
- OXFAM. A Little Gender Handbook for Emergencies or Just Plain Common Sense.
- "Gender and displacement", in *Forced Migration Review* 9, December 2000,. Refugees Studies Center in association with the Norwegian Refugee Council, www.fmreview.org/FMRpdfs/FMR09/fmr9full.pdf.
- *Note for Implementing and Operational Partners on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone*, UNHCR/Save the Children (UK), 2002: www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1550_unhcr-scuk%20wafrica%20report.pdf.
- *Gender Approaches in Conflict and Post-Conflict Situations,* United Nations Development Programme, 2003, http://www.undp.org/gender/docs/gendermanualfinalBCPR.pdf.
- UNHCR, SC-UK. 2001. Action for the Rights of Children (ARC), Exploitation and Abuse Resource Pack.
- *Guidelines on the Protection of Refugee Women,* Office of the United Nations High Commissioner for Refugees, Geneva 1991.
- *Building Partnership through Equality. UNHCR Good Practices on Gender Mainstreaming,* Office of the United Nations High Commissioner for Refugees, Geneva 2000.
- *How To Guide: Monitoring and Evaluation of Sexual Gender Violence Programs*, Office of the United Nations High Commissioner for Refugees, Geneva 2000.

[60] Abstract from the Camp Management Toolkit, Chapter 7, "Prevention of gender-based violence", www.nrc.no/NRC/eng/frames/camp.htm & The NRC draft training module on GBV.

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- *Camp Security and Refugee Guidelines - Vulnerable Groups*, Office of the United Nations High Commissioner for Refugees, Geneva 2001.
- UNHCR. 2002. Note on SGBV, The High Commissioner's Five Commitments to Women and the Protection of Refugee Children in Africa. Geneva, UNHCR, Africa Bureau.
- *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, Office of the United Nations High Commissioner for Refugees, Geneva 2003.
- UN High Commissioner for Refugees (UNHCR), Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, May 2003, Warburton, Jane (2004), Building Safer Organisations, Refugee Survey Quarterly, Vol. 23, No. 2, 2004.
- "Women, Peace and Security", study submitted by the Secretary-General pursuant to Security Council Resolution 1325, United Nations 2002, www.un.org/womenwatch/daw/public/eWPS.pdf
- Beth Vann, *Gender-Based Violence. Emerging Issues in Programs Serving Displaced Populations*, Reproductive Health for Refugees Consortium, 2002.
- Jeanne Ward, *If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings*, Reproductive Health Response in Conflict Consortium, 2002, www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/40b847015485b34749256bfe0006e603?OpenDocument
- *Clinical management of survivors of rape: Developing protocols for use with refugees and internally displaced persons,* (revised edition), World Health Organization, Office of the United Nations High Commissioner for Refugees, Geneva 2004
- *Refugees and AIDS. What should the humanitarian community do?*, Women's Commission for Refugee Women and Children, Reproductive Health for Refugees Consortium, 2002.
- "The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography", Women's Commission for Refugee Women and Children, 1998, www.forcedmigration.org/sphere/pdf/watsan/WCRWC/unicef_idpgender_1998.pdf

Web sites

- The Inter-Agency Standing Committee (IASC): www.humanitarianinfo.org/iasc;
- The Integrated Regional Information Networks (IRIN): www.irinnews.org;
- Reliefweb: www.reliefweb.int;
- The Reproductive Health Response in Conflict Consortium (RHRC): www.rhrc.org/resources/gbv/index.html;
- UNHCR, www.unhcr.ch.
- **Women's Commission,** www.womenscommission.org

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Films and videos

IRIN produces and distributes mini-documentaries free of charge to the humanitarian community. Low-resolution versions of the films can be viewed on the IRIN web site: **www.irinnews.org/film**.

"Our bodies … Their Battleground" (September 2004)

"Our bodies ... Their Battleground" highlights the crisis facing women, girls, and infants throughout the world, both during and after conflict.

This film gives a voice to victims of rape in the Democratic Republic of the Congo and Liberia, and it challenges the culture of impunity that allows this violence to continue unchecked.

It won a UN award in May 2005 for best feature.

It is available in English, French, and Kiswahili.

"Razor's Edge" (June 2005)

This film looks at the issues that surround the widespread practice of female circumcision that affects millions of women, girls, and infants every year.

Filmed in Sierra Leone and Ethiopia, this documentary sheds light on the cultural variations that surround this practice and the different levels of government and humanitarian activities in place in both countries.

"The Lazarus Drug" – Antiretrovirals in Africa (July 2005)

In November 2003, the South African government committed to making antiretroviral (ARV) treatment freely available to all South Africans dying of AIDS. But 18 months later, less than 5 per cent of an estimated 750,000 people in need of the drugs are receiving them.

This film explores the many complex reasons why people are not enrolling in ARV programmes and concludes that, whilst the efficacy of these drugs is well proven, ARVs will only ever be a part of the solution to the HIV/AIDS pandemic.

"The Lost Children - Africa's AIDS Orphans (TBA)"

Perhaps the cruellest legacy of the HIV/AIDS pandemic is the fate of children orphaned by the disease. There are more than 10 million AIDS orphans in Africa today, and they represent the forgotten face of the crisis. Many of them are themselves infected with HIV, and, between them and their siblings, they head a household deprived of income and opportunity. Even in the few cases that infected children have access to medicines, drug regimens for children are under-funded and notoriously difficult to manage.

Following on from IRIN's documentary on antiretroviral treatment, this film continues IRIN's ongoing commitment to promoting the plight of people living with HIV/AIDS.

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More tools on GBV[61]

Camp Management Toolkit, chapter 7, "Prevention of gender-based violence"[62]

Bringing together the Danish Refugee Council (DRC), the International Rescue Committee (IRC), the Norwegian Refugee Council (NRC), the OCHA's Internal Displacement Unit, and the UNHCR, the Camp Management Project is a joint effort to improve camp management. The aim has been to develop a comprehensive overview of the camp management role and responsibilities, but also to provide practical and reference tools to support camp managers in their daily work.

The project was initiated in Sierra Leone in October 2002 following reports that humanitarian agencies in West Africa had been involved in sexual exploitation of camp residents.

Under the coordination of the NRC, the Camp Management Project has engaged in developing a Camp Management Toolkit. The second draft of the Toolkit can be downloaded at the bottom of this web site. A revised version is planned by mid-2005.

The Toolkit addresses the technical and the administrative, as well as the social, aspects of camp management. It focuses specifically on camp managers, camp management teams, and camp management agencies. The Toolkit does not aim to replace specialised manuals relating to different sectors but to promote a better understanding of the main issues and constraints from a camp management perspective. It should also promote positive cooperation between the camp management, the camp residents, and the different agencies designated with sector responsibility in a camp. In the absence of specialised agencies, the Toolkit should allow camp managers to understand each sector and advocate for proper coverage.

Facilitator's Guide: Understanding Humanitarian Aid Worker Responsibilities: Sexual Exploitation and Abuse Prevention,[63] The Coordination Committee for the Prevention of Sexual Exploitation and Abuse (CCSEA)

This manual was developed for national and international staff of UN and NGOs working in Sierra Leone. Whilst it refers specifically to the Sierra Leone Standards of Accountability, it also covers general sexual exploitation and abuse protection and prevention, including the Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse. As such, it should provide a useful model for organisations seeking training on protection from sexual exploitation and abuse in other country locations.

Gender-based Violence Tools Manual (RHRC)

The Reproductive Health Response in Conflict (RHRC) Consortium's manual is aimed at improving international and local capacity to address GBV in refugee, internally displaced, and post-conflict settings. The tools in the manual have been formulated according to a multi-sectoral model of GBV programming that promotes action within, and coordination between, the constituent community, health and social services, and the legal and security sectors. Please observe that the manual is meant to be used by humanitarian professionals who have experience with, and are committed to, GBV prevention and response.

How to guide: Sexual and gender-based violence programme in Guinea

This guide (developed by the UNHCR, the IRC, and others) provides an overview of the GBV programme for refugee areas in the Republic of Guinea. Its purpose is to assist ongoing GBV programmes or others in the initial planning stages through summarising what was accomplished, how it was done, and the lessons learned during the implementation of activities. This guide is

[61] www.rhrc.org/resources/gbv/index.html.
[62] www.nrc.no/NRC/eng/frames/camp.htm.
[63] www.reliefweb.int/rw/rwt.nsf/db900SID/LSGZ-5WFFUN?OpenDocument.

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particularly useful for camp managers who have to take responsibility for GBV programmes in the absence of an assigned GBV agency.

"Sexual exploitation within a wider protection context". An Assessment in the Mano River region of West Africa (Liberia, Guinea, Sierra Leone)

A Global NGO Consortium for the Care and Protection of Children in Emergencies. International Rescue Committee, (IRC), Christian Children's Fund (CCF) and the Save the Children Federation. September 2002. P. 1-28.

Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response[64]

These guidelines offer practical advice on how to design strategies and carry out activities aimed at preventing and responding to sexual and gender-based violence.

Intended for use by UNHCR staff and members of operational partners involved in protection and assistance activities for refugees and the internally displaced, they also contain information on basic health, legal, security, and human rights issues relevant to those strategies and activities.

The guidelines were developed in consultation with the UNHCR's partners in refugee protection: governments, inter-governmental agencies, and non-governmental organisations.

The Gender-Based Violence Global Technical Support. Project of the RHRC Consortium[65.]

The GBV Technical Support Project provides a wide range of information, training, and support to field programmes. Through on- and off-site consultations, resource distribution, newsletters, and other activities, the GBV Global Technical Support Project assists humanitarian aid programmes to strengthen action to address gender-based violence in populations affected by armed conflict.

[64] Relief Web, www.reliefweb.int/rw/lib.nsf/AllDocsByUNID/aa37df44415336e6c1256d65002e372e, Source: United Nations High Commissioner for Refugees (UNHCR), May 2003.
[65] Contact us: gbvresources@jsi.com ; Telephone: 703-528-7474; www.rhrc.org ; RHRC Consortium/JSI Research and Training Institute, 1616 N. Fort Myer Drive, 11th Floor, Arlington, Virginia 22209 USA.

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Optional Module:
Gender-Based Violence (GBV)

Objectives

- To raise awareness of GBV;
- To get the participants to reflect on the link between GBV and protection in a given context;
- To discuss/share responses, strategies, and support mechanisms to reduce and respond to incidents of GBV.

Action points

What is gender all about?

- Gender's perception changes over time and may depend on culture;
- Gender is about how power is used and shared;
- Gender roles change rapidly in times of conflict;
- Gender identities influence needs and roles in times of crisis.

GBV - 5 possible categories

Sexual violence: Rape, forced prostitution, incest, sexual abuse, etc.

Physical violence: Trafficking, slavery, etc.

Emotional & psychological violence: Abuse, humiliation, confinement, etc.

Harmful traditional practices: Female genital mutilation, early marriage, honour killing, etc.

Socio-economic violence: Discrimination, social exclusion/ostracism based on sexual orientation, etc.

What can NGOs do?

Staff awareness-raising and training
Code of conduct, training strategy, etc.

Coordination and planning
Establish coordination meetings, follow-up, coordinate with UN staff and focal points, etc.

Implementation of adequate programmes
Needs assessment, community involvement, monitoring and evalution, etc.

Staff management responsibilities
Ensure training on GBV/code of conduct, develop procedures, etc.

Cross-sectoral actions
Food, health, Infrastruture, education, legal, etc.

What can I do?

- Read your code of conduct. If your organisation doesn't have one, advocate for its elaboration and implementation
- Stick to key GBV guiding principles such as confidentiality and respect wishes/rights of the victims at all times
- Raise awareness around you: colleagues, refugees, etc.
- Further your knowledge by reading and discussing GBV-related issues with experts

OPTIONAL MODULE

INTERNALLY DISPLACED PERSONS (IDPS)

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Summary

This module was developed by **the Norwegian Refugee Council's (NRC) Global IDP Project** in response to a request by NGOs to address the need, identified by the Reach Out project, to provide content on the commonalities and differences between the regimes for the protection of IDPs and refugees.

This module is divided into **three sections**. Section 1 explores **the UN definition of internally displaced persons (IDPs)**and also examines the differences between this definition and that of refugees. Section 2 explores **the roles and responsibilities in relation to IDPs,** and Section 3 outlines the genesis, structure, and status of **the Guiding Principles on Internal Displacement (GP)**.

In an effort to integrate this module into the Reach Out curriculum on refugee protection, each section concludes with **a comparison between what applies to IDPs and to refugees**.

This module **assumes an understanding of the concept of protection**.

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Learning Objectives

By the end of this session, participants will be able to:

- Outline the key components of the IDP definition;
- Outline who has a role and responsibility in relation to the protection of IDPs;
- Describe how the GP can be used as a framework for protection;
- Compare the protection frameworks for refugees and IDPs.

Key Messages

- IDPs should enjoy the same rights as other citizens in the country;
- IDPs may have specific needs or vulnerabilities as a result of their displacement;
- National authorities have the primary responsibility to provide protection and assistance to IDPs;
- No specific agency has a mandate to protect IDPs, unlike in a refugee situation, so a collaborative response is advocated;
- The GP provide standards for the protection of, and assistance to, IDPs;
- Whilst the GP are not a legally binding document, they are derived from existing international legal standards;
- IDPs have the right to seek asylum in another country.

Use This Module To

- Introduce the definition of IDPs and how that differs from the definition of refugees;
- Highlight the potential vulnerabilities that can arise from displacement;
- Discuss the challenges related to categorising IDPs;
- Introduce the GP as a protection tool;
- Introduce the concept of the collaborative approach to the protection of IDPs;
- Discuss the scope and origins of the displacement crisis in-country;
- Discuss the key protection issues for displaced people in the country context;
- Introduce the role of the Norwegian Refugee Council's Global IDP Project.

Research

- Research prior to delivering the module should attempt to answer the following questions: **How many people** are displaced in-country? **Why** are people being displaced? **What** are the trends in displacement (from where, to where, all the time or "commuting", for how long, is the nature of displacement voluntary or involuntary)? What is **the structure of the UN response** to the IDP crisis in the country: Who is doing what? Who is coordinating?;
- Check whether there is **national legislation for IDPs**, which national institution is in charge of IDP protection, and what the role of the international community is with regard to IDPs;
- Check for **any recent developments** in the country situation that have affected or might affect the protection and assistance needs of IDPs.

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Visit the following web sites for **country-specific IDP facts and figures** and **general updates**:

- The Global IDP Project: www.idpproject.org;
- ReliefWeb: www.reliefweb.int.

If there is a **humanitarian information centre** in the country, it would be useful to visit it.

Preparation prior to the session

- Obtain copies of **the Guiding Principles on Internal Displacement** (one for each participant);
- Check whether there are copies available **in the local language** (www.idpproject.org/training.htm);
- **Check and update Slide 3 - Refugee and IDP figures** and **Slide 11 - Contact UNHCR branch office in your country for an update on UNHCR IDP policy;**
- Photocopy a **handout of the slide show** (three slides per page, one copy for each of the participants).

Optional Module IDPs Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Who Is an Internally Displaced Person?	**20'**	Presentation and discussion	Optional Module IDPs.ppt Handout 1 - Who Is an Internally Displaced Person?
Optional Activity 1 - IDP or Not?	**15'**	Group work	
Activity 2 - Who Is Responsible?	**20'**	Presentation and discussion	Handout 2 - Optional Activity 1 - Internally Displaced or Not?
Optional Activity 2 – Actor-Mapping	**35'**	Group work	Trainer Guidance 1 - Optional Activity 1 - Internally Displaced or Not?
Activity 3 - The Guiding Principles on Internally Displaced Persons	**20'**	Presentation and discussion	Handout 3 - The International Response to Internal Displacement
Optional Activity 3 - The Guiding Principles by Topic	**25'**	Group work	Handout 4 - The Guiding Principles on Internal Displacement Handout 5 - The Global IDP Project Handout 6 - Optional Activity 4 - Answer Guide Actor Maps from Module 4 - Refugee Protection: Actors and Roles
Total: 90 minutes **60 minutes for the three main presentations with slides, plus one or two selected optional activities**			

Note to trainer

- ✓ *This module is mainly based on **a presentation from the facilitator**. It is recommended to use the attached PowerPoint presentation to guide the attention of the participants when going through the presentation.*
- ✓ *It is also required to **break the presentation with participative activities]**. Suggestions for such **optional activities** are proposed in **each of the three sections**.*
- ✓ *Since the presentations for the **three sections** take approximately **60 minutes**, facilitators are recommended to select only **one or two optional activities** to ensure that the session does not exceed **90 minutes**.*

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Activity 1 - Who Is an Internally Displaced Person?			
Timing		**Method**	**Resources needed**
Presentation of slides	20'	Presentation in plenary with interactive discussion	Optional Module IDPs.ppt Handout 1 - Who Is an Internally Displaced Person? Handout 2 - Optional Activity 1 - Internally Displaced or Not? Trainer Guidance 1 - Optional Activity 1 - Internally Displaced or Not?
Optional Activity 1 - IDP or Not?	15'	Exercise, group work	
Total: 20 minutes **plus 15 minutes for optional activity 1**			

Presentation of slides (20 minutes)

Slide 1: Internally displaced persons (IDPs)

Slide 2: Objectives

- Outline the key components of the IDP definition;
- Outline who has a role and responsibility in relation to the protection of IDPs;
- Describe how the GP can be used as a framework for protection;
- Compare the protection frameworks for refugees and IDPs.

Slide 3: IDPs outnumber refugees

The figures provided in this graph are taken from the NRC Global IDP Project web site (www.idpproject.org), where there is access to a database with country-specific information on **internal displacement caused by armed conflicts and violence**. Internal displacement caused by natural disasters and development are not included in these figures.

A series of **armed conflicts in the early 1990s** (Sudan 1989, Iraq 1991, and Somalia 1992) triggered large-scale internal displacement. Since then, **IDPs have outnumbered refugees**.

Slide 4: Who is an internally displaced person?

Ask this question to the plenary group and record their answers on the flip chart.

Explain that the UN definition of an internally displaced person will now be examined.

Slide 5: The UN definition

There are two essential components of the definition:

- **An element of coerced or forced movement:** Displacement is the result of circumstances that leave no other choice to people but to leave or flee, such as war, ethnic tensions, disasters;
- **The fact that the victims have not crossed an international state border:** IDPs remain within the country of their habitual residence. Most IDPs are generally citizens of the country in which they are displaced.

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There are several ways of describing who would be considered an internally displaced person. The definition presented in **the Guiding Principles** is generally acknowledged to be **the current UN definition**, but it is **a descriptive definition rather than a legal definition**. It does not assign special rights to IDPs under international law. IDPs, as citizens of their country, should enjoy the same rights as other citizens.

In certain countries, **national legislation** has been developed to protect and assist IDPs. These definitions sometimes differ from the one in the Guiding Principles. National IDP legislation generally affords **specific legal rights to assistance and protection** for those who fall within the definition, whilst the Guiding Principles simply use the definition to identify groups and individuals who may need special attention by the national and international community.

Discuss in plenary:

- Do you agree?
- Should there remain a special category for IDPs?
- Why?

Allow some discussion and then move on.

Ask participants: What are the special vulnerabilities of IDPs?

Slide 6: A special vulnerability

Although all persons affected by conflict, human rights violations, and/or violations of international law suffer, displacement from one's place of residence may make IDPs especially vulnerable:

- Internally displaced persons may be **in transit** from one place to another, may be in hiding, may be forced towards unhealthy or inhospitable environments, or may face other circumstances that make them especially vulnerable. They may be displaced to areas where local inhabitants are of different groups or are inhospitable;
- The **social organisation** of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities;
- Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound **psychosocial distress** related to displacement;
- Removal from sources of **income and livelihood** may add to physical and psychosocial vulnerability for displaced persons;
- Internal displacement may well disrupt **schooling** for displaced children and adolescents;
- Internally displaced persons may lack **identity documents** essential to receiving benefits or recognition before the law; in some cases, displaced persons may have jettisoned such documents in fear of persecution;
- Internally displaced persons may be **deprived of access** to international assistance by their government. Internal displacement is often seen as an internal matter by governments, which refuse any external interference, based on the principle of sovereignty.

Ask participants to highlight the vulnerabilities that apply to IDPs in their country.

Are there **additional vulnerabilities** not mentioned here?

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Slide 7: Comparison: refugee and IDP definitions

Ask participants to list the differences between the definition of refugees and IDPs.

- Refugees leave their country of origin to seek protection abroad. IDPs remain within their own country;
- There are more causes of displacement in cases of internal displacement. According to the 1951 Refugee Convention, persecution is the only grounds for conferring refugee status on a person;
- Refugees lose the protection provided by their own country and therefore need the protection of the international community. This special protection is granted to them through the special status created by the 1951 Refugee Convention, which provides for a special regime for refugees;
- Whereas the status of refugees entitles the individual to certain rights, the status of internal displacement does not entitle anyone to additional rights other than those they have as a citizen of their country. As citizens in their own countries, IDPs are still under the protection of their government (at least legally). Therefore, no special status has been created for them under international law. They should enjoy the same rights as the rest of the population.

Refer to the quote by Walter Kälin in "**Handout 1 - Who Is an Internally Displaced Person?**.

Note

The refugee definition referred to here is the refugee definition according to the 1951 Refugee Convention relating to the Status of Refugees. It should be noted that, in Africa, "the term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (OAU Convention governing specific aspects of refugee problems in Africa, 1969).

Optional Activity 1 - IDP or Not? (15 minutes)

Distribute a copy of **"Handout 2 - Internally Displaced or Not?"**

Ask participants to read the testimonies contained therein.

Allow five minutes.

Divide the plenary into four or five groups and **ask them** to discuss the following for each case study: In your opinion, are these people internally displaced according to the definition of the Guiding Principles on Internal Displacement?

Allow 10 minutes.

Take feedback in plenary, taking the first answer from Group 1, the next answer from Group 2, and so on.

Correct the participants, where necessary, and **give indications** as detailed in "**Trainer Guidance 1 - Optional Activity 1 - Internally Displaced or Not?"**

You can work on **other testimonies** that illustrate other situations that are especially **relevant in your country**.

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Activity 2 - Who Is Responsible?			
Timing		**Method**	**Resources needed**
Presentation of slides	20'	Presentation in plenary with interactive discussion	Actor maps from Module 4 Handout 3 - The International Response to Internal Displacement
Optional Activity 2 – Actor-Mapping	35'	Exercises	
Total: 20 minutes **plus 35 minutes for Optional Activity 2**			

Presentation of slides (20 minutes)

Slide 8: Who is responsible?

Ask the plenary who they believe is responsible for ensuring that the rights of IDPs are respected.

Slide 9: Guiding Principle 3

Providing protection and humanitarian assistance to nationals, including internally displaced persons, is a primary responsibility and duty of the state. Sovereignty remains the building block of the international system. It implies that citizens are under the direct responsibility of the state, and this applies to citizens displaced within their country.

Ask participants: What are the possible difficulties with this principle?

- State unwilling to provide protection: in many situations, state authorities are the cause of the displacement of their people;
- State unable to provide protection: internal displacement affects countries with limited capacities;
- It is therefore also the duty of state authorities to turn to the international community to get the necessary support to fill the gaps that the country is unable to face or to accept the offer of services made by the international community and provide international humanitarian organisations with free and rapid access to IDPs.

Ask participants: … and where does international responsibility lie?

There are many misconceptions about who, from the international community, is responsible for IDPs. By asking these questions, the facilitator will have the opportunity to evaluate the understanding of the group.

Slide 10: The collaborative response

Assistance and protection have been provided to **IDPs as a vulnerable population** under the mandates of UN agencies or, in the case of the UNHCR, on a case-by-case extension of its refugee mandate.

However, no agency has a comprehensive global mandate to assist IDPs. Nor is it considered feasible that an existing organisation will expand its mandate to lead in this area in future. In the absence of an agency with a specific mandate for IDPs, **international agencies** contribute to the assistance and protection of IDPs based on their **mandates and expertise**.

Comment on the graph: Displaced people have needs for health care (to be addressed by the WHO), human rights protection (UN High Commissioner for Human Rights), shelter (for example,

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the UNHCR can provide plastic sheeting or a camp setting), education (UNICEF), food (WFP), agriculture (FAO), water and sanitation (for example, UNICEF).

- The scale and multifaceted nature of displacement crises have led the international community to recognise that an effective and comprehensive response to the protection and assistance needs of displaced persons necessitates a collaborative response, which is the management model for assistance and protection in situations of internal displacement;
- Rather than a single-agency approach, a collaborative response is one that involves not only UN agencies but also government officials, other international organisations, and international and local NGOs;
- This approach also necessarily entails effective coordination mechanisms, aimed at guaranteeing a comprehensive response, covering emergency as well as longer-term solutions and recovery needs, avoiding gaps and overlaps, and providing clear lines of responsibility and accountability.

Brief participants about the pattern of **UN response in the country.**

Slide 11: The role of the UNHCR

- UNHCR has a predisposition to protect IDPs;
- The UNHCR mandate does not include those who have fled from natural or man-made disasters;
- In 2004, only 5.4 million IDPs were of concern to the UNHCR out of a total of 25 million IDPs worldwide;
- UNHCR leads protection effort of UN Country Team as part of collaborative response.

Note:

The facilitator should provide **up-to-date figures** (check www.unhcr.ch for statistics on IDPs of concern to the UNHCR, annual statistical bulletin).

The bullets above reflect the agreement reached within the UN in 2005. UNHCR policy on IDPs is also likely to evolve further. **Contact the UNHCR branch office in your country for an update.**

Slide 12: Comparison: The protection regime for refugees and IDPs

In both cases, **state authorities are in charge** of protection and assistance.

However, things differ with regard to the structure and format of the international response to the needs of refugees and IDPs. There is a single agency with a global mandate for the protection of refugees: the UNHCR. For IDPs, all agencies, including the UNHCR, should help provide the necessary assistance and protection, complementing the state's capacity.

The UNHCR is in charge of IDPs, as a lead agency, in selected situations of internal displacement. As of the end of 2004, 5.4 million IDPs were of concern to the UNHCR.

Contrast this with the total IDP figure in the world. **Refer to Slide 3: IDPs outnumber refugees.**

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Optional Activity 2 – Actor-Mapping: Compare IDP and Refugee Actor Maps (35 minutes)

Groups should review the actor maps drawn for the protection of refugees, as proposed in **Module 4.** (20 minutes)

In particular, **groups should review the following questions**:

- Are the actors that can contribute to enhanced protection of IDPs the same as for refugees?
- Which actors are likely to play a major role?
- Which actors that have not been mentioned as relevant for the protection of refugees should be involved in IDP situations?

You can ask participants to use a pen of a different colour to highlight on the actor maps what the differences or similarities are between IDP- and refugee-related actors.

Ask groups to present their modified actor map to the plenary (15 minutes in total).

During the feedback, discuss:

- The primary role of state authorities towards their displaced citizens: Is there one body in charge of IDP protection and assistance? What about the national human rights commission?
- Non-state actors (secessionist forces or rebel groups) are *de facto* responsible for the protection of IDPs in areas under their control;
- Development agencies in protracted displacement situations or in return phases are required to support the integration of IDPs;
- The NGO presence: Are more NGOs working with IDPs than with refugees? Why?
- Is there sufficient coordination/consultation between actors and in particular between NGOs and state institutions?
- Are IDPs consulted? What are the existing mechanisms to make this consultation possible?

Give each participant **"Handout 3 - The International Response to Internal Displacement.**

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Activity 3 - The Guiding Principles on Internal Displacement			
Timing		**Method**	**Resources needed**
Presentation of slides	20'	Presentation in plenary with interactive discussion	Handout 4 - The Guiding Principles on Internal Displacement
Optional Activity 3 - The Guiding Principles by Topic	25'	Exercise	Handout 5 - The Global IDP Project
Total: 20 minutes plus 25 minutes for Optional Activity 3			Handout 6 - Optional Activity 3 - Answer Guide

Presentation of slides (20 minutes)

Slide 13: The guiding principles

Ask participants whether they have heard of the Guiding Principles on Internal Displacement (GP).

Ensure that each participant has a copy in their language.

The size of the internal displacement crisis changed drastically **in the early 1990s** with large-scale humanitarian emergency situations in places such as Somalia, Sudan, and Iraq. A response from the international community was required.

In 1992, after the Commission on Human Rights requested that the Secretary-General of the United Nations appoint a Representative on Internally Displaced Persons, **Dr Francis Deng**, a respected Sudanese scholar and former diplomat, was selected.

Amongst other things, Dr Deng was asked to **review international legal protection of IDPs**. He found that existing international legal instruments provide sufficient protection for IDPs but were not specific or clear enough. He therefore **compiled all relevant norms** into one single document giving guidance on how existing international law should be understood and applied in situations of internal displacement.

The result was **the GP,** which were presented to the UN Human Rights Commission in **1998** (Resolution1998/50).

Slide 14: The Guiding Principles - objectives

The GP address **the specific needs of IDPs** by identifying rights and guarantees relevant to their protection in all phases of displacement;

The GP are **not binding** as such, but they reflect, and are **consistent with, international human rights law and international humanitarian law**.

They restate the **relevant norms** applicable to the internally displaced, which are widely spread out in existing instruments, clarify any grey areas that might exist, and address gaps in protection.

In terms of their use, the GP are intended to **provide guidance** to the representative of the UN Secretary-General on the human rights of IDPs in carrying out his **mandate**, to assist states when faced with the phenomenon of displacement and to guide intergovernmental and non-governmental organisations when addressing internal displacement.

The GP are also intended to be **a persuasive instrument** that not only provides practical guidance but also acts as an instrument **for public policy education and consciousness-raising**.

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Slide 15: The Guiding Principles - content

Browse the GP booklet with the participants and comment on the following:

- **Section I - Principles 1-4:** Key principle that IDPs should not be discriminated against because of their displacement;
- **Section II - Principles 5-9:** Highlight Principle 5 on prohibition of arbitrary displacement;
- **Section III - Principles 10-23:** The longest section. Note that IDPs keep their right to seek asylum in another country (GP 15);
- **Section IV - Principles 24-27:** Restate the importance of humanitarian access;
- **Section V - Principles 28-30:** Durable solutions. Note that the word "resettle", in the context of the GP, only means relocation within one's own country. IDPs are generally not entitled to resettlement in third countries.

Slide 16: Comparison: the legal framework for refugees and IDPs

The legal framework for the protection of refugees is primarily based on the 1951 Refugee Convention.

The only sources of rights for IDPs are international human rights law and humanitarian law.

The GP are not a source of law. They are not binding as such. They merely restate binding standards and provide guidance on how these standards should be applied to the specific needs of IDPs.

Refugee law has been used by the drafters of the GP. Although not directly applicable to the situation of IDPs, refugee law has been used by analogy to suggest rules relevant to the protection of IDPs.

Facilitators can mention Principle 15, which prohibits forced return to areas where safety is at risk. It is drawn from the prohibition of *refoulement* under refugee law but applied in a national context, thus sometimes called the prohibition of ***internal refoulement***.

You can ask participants if they have any questions.

You can also distribute "Handout 4 - The Guiding Principles on Internal Displacement".

Slide 17: Conclusions

The Guiding Principles restate **the rights of IDPs** and **responsibilities**.

They are **consistent with** international human rights law, international humanitarian law, and refugee law by analogy.

States have increasingly used the GP as **a reference tool**.

Slide 18: Further training

This module is **an introduction to a more comprehensive training programme** on the GP and the protection of IDPs, developed by the Global IDP Project of the Norwegian Refugee Council.

Distribute "Handout 5 - The Global IDP Project".

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Optional Activity 3 - The Guiding Principles by Topic (25 minutes)

Prepare sheets of paper with one of the following bullets on each sheet.

Ask the plenary who is interested in rights related to:

- Freedom of movement;
- Non-discrimination;
- Participation of IDPs;
- Displaced women;
- Displaced children.

When a participant expresses an interest, **hand them** the relevant sheet of paper. When all the sheets are assigned, **ask the sheet holders** to come to the front, and, on the word "go", ask all the others to run and join the group they would most like to work in.

You can limit the numbers in any one group.

Ask the groups to find the principles that relate to the right they have been assigned.

Allow 20 minutes for the exercise.

Give out answer sheets (see "**Handout 6 - Optional Activity 3 - Answer Guide**") rather than taking feedback in plenary.

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Handout 1 - Who Is an Internally Displaced Person?

The definition of an internally displaced person

Internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." (Guiding Principles, Introduction, para. 2)

The status of the IDP definition

"It is important to stress that paragraph 2 is not a legal definition of internally displaced persons. Becoming displaced within one's own country of origin or country of habitual residence does not confer special legal status in the same sense as, say, becoming a refugee does.

"This is because the rights and guarantees to which internally displaced persons are entitled stem from the fact that they are human beings and citizens or habitual residents of a particular state.

"Those rights and guarantees emanate from the peculiar vulnerability and special needs that flow from the fact of being displaced.

"By locating the description of 'internally displaced persons' in their introductory section rather than in their main body, the Guiding Principles seek to highlight the descriptive and non-legal nature of the term 'internally displaced persons.' Internally displaced persons need not and cannot be granted a special legal status comparable to refugee status. Rather, as human beings who are in a situation of vulnerability they are entitled to the enjoyment of all relevant guarantees of human rights and humanitarian law, including those that are of special importance to them. This does not rule out the possibility of administrative measures such as registration on the domestic level to identify those who are displaced and need special assistance. However, lack of such registration would not deprive internally displaced persons of their entitlements under human rights and humanitarian law." (From Walter Kälin, "Guiding Principles on Internal Displacement, Annotations", *Studies in Transnational Legal Policy* 32, www.asil.org/pdfs/study_32.pdf)

Why are IDPs particularly vulnerable?

Although all persons affected by conflict and/or human rights violations suffer, displacement from one's place of residence may make the internally displaced particularly vulnerable. The following are some of the factors that are likely to increase the need for protection:

- Internally displaced persons may be in transit from one place to another, may be in hiding, may be forced towards unhealthy or inhospitable environments, or may face other circumstances that make especially vulnerable;
- The social organisation of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities;
- Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement;
- Removal from sources of income and livelihood may add to physical and psychosocial vulnerability for displaced people;
- Schooling for children and adolescents may be disrupted;
- Internal displacement to areas where local inhabitants are of different groups or inhospitable may increase risk to internally displaced communities; internally displaced persons may face language barriers in their location of displacement;

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- The condition of internal displacement may raise the suspicions of, or lead to abuse by, armed combatants or other parties to internal conflict;
- Internally displaced persons may lack identity documents essential to receiving benefits or recognition before the law; in some cases, displaced persons may have got rid of such documents in fear of persecution;
- Internally displaced persons may be deprived of access to international assistance by their government. Internal displacement is often seen as an internal matter by governments, which refuse any external interference, based on the principle of sovereignty.

A comparison of the IDP description and the refugee definition

A refugee is a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (1951 Refugee Convention, Art. 1A(2), 1967 Protocol).

The requirements to become a refugee according to the 1951 Refugee Convention are precise and limited: there has to be a “well founded fear of persecution”, and this fear must be linked to one of the enumerated grounds. The IDP definition is much broader and includes, for instance, natural and man-made disaster.

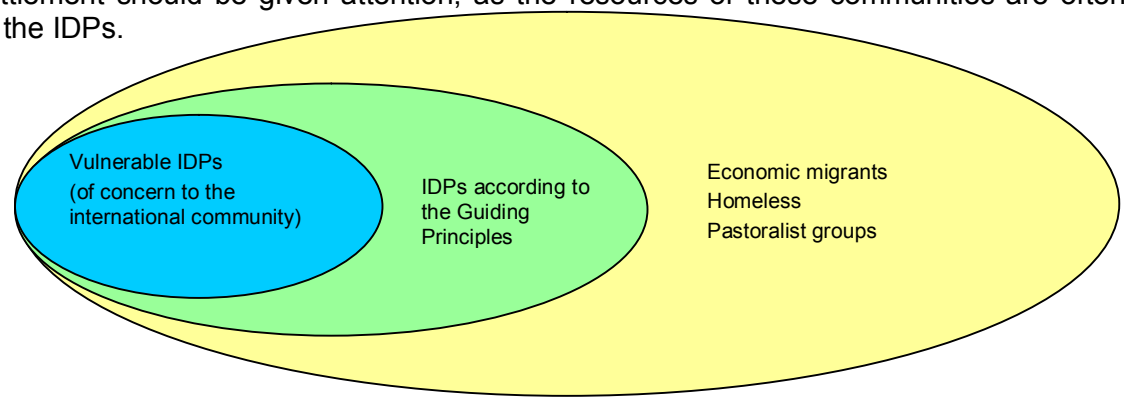
A person becomes a refugee only when he or she crosses an international border, whereas an internally displaced person remains within his or her country. The legal status of refugees is conferred in accordance with international legally binding documents. No similar binding document defines internally displaced persons.

The status of refugee entitles the individual to certain rights. Being internally displaced does not confer any additional rights; instead, internally displaced persons have all the same rights as other citizens within the country.

Categories of persons that have left their homes

As highlighted above, displacement exposes its victims to serious risks of discrimination, abuses, and neglect. Displacement should therefore be used as an indicator of the potential vulnerability of the civilian population. IDPs are often a neglected group. Internal displacement needs to be assessed based on the IDP definition to ensure that no displaced group falls through the gaps. IDPs' needs should be assessed on a regular basis at all phases of displacement (emergency, post-emergency, return, or resettlement).

However, the IDP definition cannot always be used as a means of defining target groups for assistance or protection programmes, as IDPs are not a homogenous group (see graph below). Based on assessment, it is recommended that those IDPs be targeted who have a special vulnerability because of their ethnic origin, their access to assistance and services, their socio-economic status, etc. Also, the needs of host populations in areas of displacement, return, or resettlement should be given attention, as the resources of these communities are often shared with the IDPs.



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Handout 2 - Optional Activity 1 - Internally Displaced or Not?

1. The military evacuated our village early this year after fighting erupted in the area. Intense fighting was going on in the area. A neighbouring village was under shelling. We were given shelter in evacuation centres, but my brother offered me a place to live with my children.

2. My family and I left our village before the conflict between governmental forces and rebel groups started again last year. I felt that things would go wrong again, and I preferred to move my family to a safer place. Also, I was afraid of being recruited into the rebel armed forces. When the fighting between the armed forces and the rebels started, I was already away with my family in the provincial capital.

3. My husband was arrested by the armed forces, as they believed he was supporting the rebel groups. Visits to our villages by the military and the rebels were becoming more frequent, and male villagers were often arrested or forcibly enlisted. I was afraid for my sons and moved to the nearest town. Luckily, I can still go back to my land to cultivate and harvest crops. But I still prefer to go back to town and sleep there with my children.

4. I left my ancestral area when a mining company decided to exploit the soil and look for gold there. We were offered land elsewhere in the province, but we did not want to go there, and we received very little assistance to build our homes. We were evicted from our land by paramilitary groups hired by the company. There is still no school for our children in the area where we were relocated. We have lost everything, and we are forced to go to cities to find low-paying jobs.

5. I left my village three years ago. I first moved with my family to an evacuation centre in the nearest town. I moved to the capital to look for a job there. My family has since returned to our home, but I have decided to stay in the capital. I have a small salary as a port worker here, but I can send some money to my wife. If I return to my village, there is nothing there for me. Life for my family would be very difficult without my support. My son would not be able to go to school without my money.

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Trainer Guidance 1 - Optional Activity 1 - Internally Displaced or Not?

1. *The military evacuated our village early this year after fighting erupted in the area. Intense fighting was going on in the area. A neighbouring village was under shelling. We were given shelter in evacuation centres, but my brother offered me a place to live with my children.*

This case illustrates a genuine situation of internal displacement because of armed conflict. IDPs hosted by relatives, friends, or local people are less visible than those living in camps. Therefore, they tend to be ignored, although they often need assistance, as do their host families.

2. *My family and I left our village before the conflict between governmental forces and rebel groups started again last year. I felt that things would go wrong again, and I preferred to move my family to a safer place. Also, I was afraid of being recruited into the rebel armed forces. When the fighting between the armed forces and the rebels started, I was already away with my family in the provincial capital.*

IDPs can leave their homes in anticipation of danger, as suggested in the IDP definition in the Guiding Principles ("to flee or to leave" and "in order to avoid the effects of etc.").

3. *My husband was arrested by the armed forces, as they believed he was supporting the rebel groups. Visits to our villages by the military and the rebels were becoming more frequent, and male villagers were often arrested or forcibly enrolled. I was afraid for my sons and moved to the nearest town. Luckily, I can still go back to my land to cultivate and collect crops. But I still prefer to go back to town and sleep there with my children.*

Human rights violations, such as arbitrary recruitment or arrest, can be causes of displacement. Internal displacement can take various forms, such as daily displacement to safe areas, when security conditions do not allow for a permanent stay in home areas.

4. *I left my ancestral area when a mining company decided to exploit the soil and look for gold there. We were offered land elsewhere in the province, but we did not want to go there, and we received very little assistance to build our homes. We were evicted from our land by paramilitary groups hired by the company. There is still no school for our children in the area where we were relocated. We have lost everything, and we are forced to go to cities to find low-paying jobs.*

This case illustrates displacement for development or economic projects. These projects are often implemented in violation of human rights standards, such as property rights, and affect vulnerable groups, such as indigenous communities. Displacement because of development projects that are not justified by "compelling and overriding public interests" is prohibited (Guiding Principle 6). Relocation of people affected should be done in compliance with minimum standards highlighted in Guiding Principle 7.

5. *I left my village three years ago. I first moved with my family to an evacuation centre in the nearest town. I moved to the capital to look for a job there. My family has since then returned to our home, but I have decided to stay in the capital. I have a small salary as a port worker here, but I can send some money to my wife. If I return to my village, there is nothing there for me. Life for my family would be very difficult without my support. My son would not be able to go to school without my money.*

Economic migrants are not internally displaced, as defined in the Guiding Principles. However, the rights of economic migrants are the same as for IDPs and other citizens in the country, but the Guiding Principles do not address their specific protection needs. People forced to flee their homes because of economic injustice and marginalisation tantamount to systematic violations of economic rights would come under the IDP definition.

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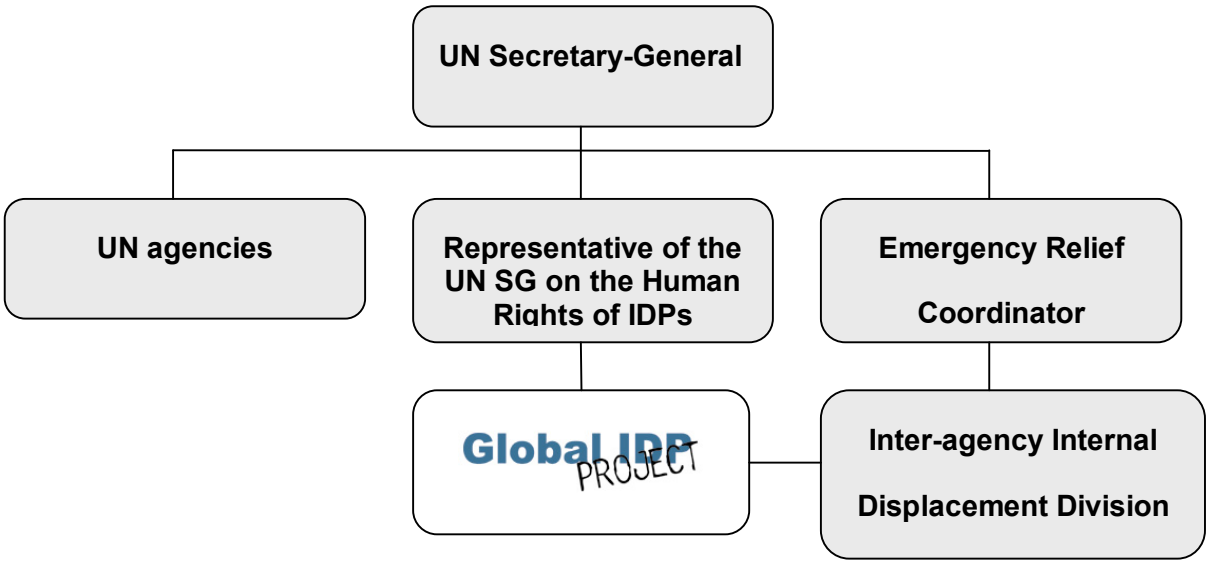
Handout 3 - The International Response to Internal Displacement

Whilst the UNHCR is the UN organisation responsible for assisting and protecting refugees, there is no single organisation responsible for IDPs at the operational level. Given the scope and the nature of internal displacement, the UN has opted for **a collaborative response**, noting that the needs of IDPs are beyond the needs of a single agency. A *collaborative response* is one in which a broad range of actors, including governments, the UN, and NGOs, work together to respond to the needs of IDPs on the basis of their individual mandates and expertise.

Roles and responsibilities at headquarters



Emergency Relief Coordinator (ERC)

The ERC ensures the inter-agency coordination of protection and assistance to IDPs amongst UN agencies.

The ERC is responsible for global advocacy on protection and assistance, resource mobilisation, global information on IDPs, and for ensuring that field arrangements are adequately supported.

When necessary and appropriate, the ERC brings issues concerning IDPs to the attention of the UN Secretary-General and the UN Security Council.

For more information on the ERC, see: http://ochaonline.un.org.

Inter-agency Internal Displacement Division (IDD)

The IDD was established to support the ERC in promoting a predictable and concerted response to internal displacement. The IDD provides assistance to international organisations at the field level in developing and refining IDP strategies and ensuring their effective implementation, including an appropriate division of labour. The IDD is based in Geneva, Switzerland, and is a small entity of about twenty professionals.

For more information on the IDD, see: http://www.ohchr.org/english/issues/idp/index.htm.

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Representative of the Secretary-General on the Human Rights of IDPs

The Representative holds a dialogue with governments in countries with a situation of internal displacement, NGOs, and other relevant actors to improve the human rights situation of IDPs, in particular during country visits.

The Representative organises regional seminars to exchange experiences related to the protection and assistance of IDPs and to advocate for durable solutions for IDPs.

The Representative undertakes research on particular topics linked to internal displacement, in collaboration with the Brookings Institution's Project on Internal Displacement based in Washington, DC.

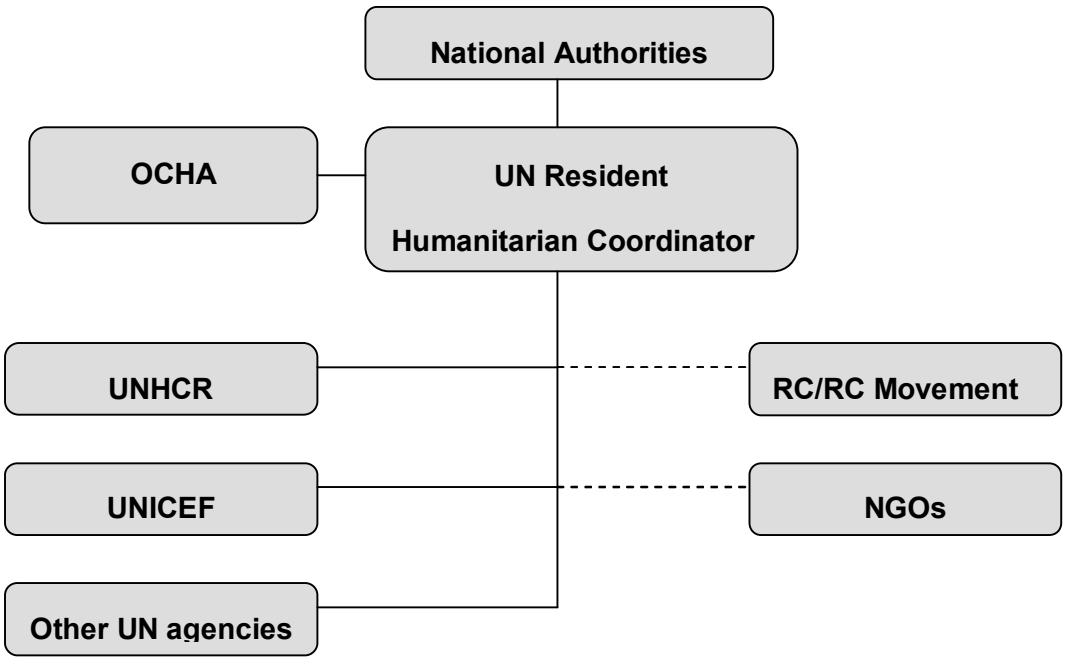
The Representative reports to the UN Commission on Human Rights and works closely with other UN actors, such as the IDD.

For more information on the Representative of the Secretary-General on the Human Rights of IDPs, see: http://www.reliefweb.int/idp.

Global IDP Project

The Global IDP Project of the Norwegian Refugee Council supports the work of the Representative on the Human Rights of IDPs and the Inter-agency Internal Displacement Division by collecting information on all IDP situations worldwide and conducting training workshops to strengthen the capacity of UN actors in the field. For further information on the Global IDP Project, see "**Handout 5 - The Global IDP Project**" and/or see: http//:www.idpproject.org.

Roles and responsibilities at the field level



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Primary responsibility of the state

Primary responsibility for protecting and assisting civilians in internal displacement crises lies with the national authorities of the affected countries. However, the capacity and/or willingness of the authorities to fulfil their responsibilities is often insufficient or lacking. In such circumstances, the international community needs to support and supplement the efforts of the government and local authorities. The scope and complexity of internal displacement call for a multifaceted response and the active involvement of organisations both within and outside the UN system that possess special expertise and resources, including displaced and host communities and civil society.

Humanitarian and/or resident coordinator (HC and/or RC)

The HC and/or RC (one or two persons, depending on the country) is responsible for the strategic coordination of protection and assistance to IDPs and for negotiating unimpeded humanitarian access. This includes ensuring that humanitarian requirements are adequately addressed before, during, and after an emergency, and advocating for assistance to, and protection of, IDPs.

Office for the Coordination of Humanitarian Affairs (OCHA)

To support the HC and/or RC and the country team, an OCHA field presence is usually deployed. The OCHA's support functions with regard to IDPs include:

- Providing support for humanitarian diplomacy or other negotiations, such as on gaining access to IDPs and other vulnerable groups;
- The collection, analysis, and dissemination of IDP-relevant information;
- Supporting the development of coordination tools, such as the Common Humanitarian Action Plan and the Consolidated Appeal, and ensuring the inclusion of IDP concerns;
- Organising and participating in interagency needs assessments, and convening coordination forums.

Country team

The country team brings together a broad range of UN and non-UN humanitarian partners, including UN humanitarian agencies, the International Organisation for Migration, relevant international NGOs, etc.

The country team should also consult with the Red Cross/Red Crescent movement represented by the ICRC and the IFRC.

International Red Cross and Red Crescent movement

The International Committee of the Red Cross (ICRC) is a neutral, impartial, and independent organisation that has a specific mandate to provide protection and assistance to persons affected by armed conflicts, internal disturbances, and tensions, including IDPs. In general, the ICRC's mandate is discharged in close cooperation with national societies of the Red Cross/Red Crescent supported by their International Federation.

The national societies are mandated to assist the most vulnerable within their own countries, including IDPs, and are often the first and only organisation present at the inception of a disaster.

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Non governmental organisations (NGOs)

NGOs respond to the protection and assistance needs of IDPs and other vulnerable people, based on their mandate and expertise. They can also play a valuable role in supporting the implementation of the collaborative response.[1]

They can, for example:

- Collect and provide information on protection and assistance needs of IDPs in areas where NGOs operate, as well as NGOs' response capacity to the UN RC/HC, other relevant agencies in the country team, and donors;
- Participate in consultations on IDP issues under the leadership of the UN RC/HC and contribute to the development of a national IDP strategic plan, if possible through an inclusive coordination forum for national and/or international NGOs;
- Support the implementation of a national IDP strategic plan when in line with humanitarian principles and codes of conduct, as well as the Guiding Principles on Internal Displacement;
- Monitor the implementation of the collaborative response by the UN HC/RC and the country team, including the commitment of country team agencies and the effectiveness of planned activities;
- Advocate for the participation of IDPs at all stages of the international response, including planning, implementation, and assessment.

[1] Text adapted from *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams,*, Inter-Agency Standing Committee, 2004, www.reliefweb.int/idp/docs/references/IASC%20Policy%20Package%202004r1.pdf.

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Handout 4 - The Guiding Principles on Internal Displacement

Rationale and genesis

The need for international standards for the protection of IDPs became apparent in the 1990s when the number of persons uprooted within their own countries by armed conflict, ethnic strife, and human rights abuse began to soar. When first counted in 1982, there were only 1.2 million IDPs in 11 countries. By 1995, there were an estimated 20 million to 25 million in more than 40 countries, almost twice as many as refugees.

IDPs, like any other people, benefit from the legal protection of international human rights law and, in situations of armed conflict, from international humanitarian law. However, whilst IDPs continue to benefit from the legal protection of all of the international human rights and humanitarian law instruments, they do not benefit from the specialised protection of international refugee law because they have not crossed an international border. The fact of being displaced from one's home places IDPs in a situation of vulnerability to human rights abuses, including from their own government, normally in charge of their protection.

Concern for the vulnerability of IDPs led the UN Commission on Human Rights to ask the Representative on IDPs, Dr Francis Deng, to prepare an appropriate framework for protection and assistance for IDPs. Accordingly, the Representative, with the support of a team of international legal experts, formulated the Guiding Principles on Internal Displacement, which were presented to the Commission in 1998.

Content

Reflecting, and consistent with, international human rights and humanitarian law, and with refugee law by analogy, the 30 principles set forth the rights and guarantees relevant to the protection of IDPs in all phases of displacement, providing protection against arbitrary displacement, protection and assistance during displacement and during return or internal resettlement and reintegration.

They provide guidance to all relevant actors: the Representative in carrying out his mandate; states when faced with the phenomenon of internal displacement; all other authorities (including *de facto* authorities), groups, and individuals in their relations with IDPs; and inter-governmental and non-governmental organisations. The principles establish that IDPs must not be discriminated against simply because of their displacement, or because of their race, sex, language, religion, social origin, or the like.

The principles restate the right not to be arbitrarily displaced and prohibit displacement on ethnic, religious, or racial grounds.

The principles reaffirm that national authorities have the obligation to ensure that IDPs' basic rights for food, water, shelter, dignity, and safety are met. They should accept the assistance of the international community if they do not have the capacity to provide assistance and protection to IDPs. IDPs have also the right to seek asylum in another country.

In the return phase, the principles emphasise the importance of voluntary and safe return, as well as the need to assist the displaced to recover their property and possessions.

Non-binding but based on hard law

The Guiding Principles are not binding on states like a treaty (such as the 1951 Refugee Convention relating to Status of Refugees), but:

"[A] closer look at the Guiding Principles might reveal that this very soft instrument might actually turn out to be much harder than many well-known soft law instruments. The reason for this is that

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the Guiding Principles are very well grounded in international law. It is possible to cite a multitude of existing legal provisions for almost every principle,[2] which provided the drafters with strong normative guidance. Even where language was used that was not to be found in existing treaty law, no new law in the strict sense of the word was created in most cases. Instead, similar to a judge who has to decide to what extent a human rights guarantee invoked by an IDP does provide protection to that person, Dr. Deng's legal team tried to deduce specific norms from more general principles that are part of existing international law. One example of this technique is Principle 6 on "the right to be protected against being arbitrarily displaced". No existing instrument mentions such a right explicitly. However, humanitarian law prohibits displacement in some specific and limited situations and human rights law, in a more general sense, guarantees not only freedom of movement but also the right to choose one's own residence, and thus, a right to remain [3]. A right not to be displaced can also be found in instruments on the rights of indigenous peoples [4]. From this it can be inferred that a right not to be arbitrarily displaced is already implicit in international law.

"[…] Th[is] and other examples show that the drafters of these guidelines have been very careful not to go beyond what can be based on existing international law. Thus, it is justified to claim, as is stated in paragraph 3 of the Introduction, that "these principles reflect and are consistent with international human rights law and international humanitarian law"." (in Water Kälin, *How Hard is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework*, 2001).

International bodies

In 2004, the **Commission on Human Rights** expressed "its appreciation of the Guiding Principles on Internal Displacement as an important tool for dealing with situations of internal displacement", welcomed "the dissemination, promotion and application of the Guiding Principles", and encouraged "the continued dissemination and promotion of the Guiding Principles".

The **UN Security Council** noted that, "the United Nations agencies, regional and non-governmental organizations, in cooperation with host Governments, are making use of the Guiding Principles on Internal Displacement, inter alia, in Africa" (Resolution 1286(2000) on Burundi).

The **UN General Assembly** welcomed "the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles" (Resolution 58/177, 2004).

The **UN Secretary General** urged states "to accept the Guiding Principles prepared by his Special Representative as the basic international norm for protection of such persons, and to commit themselves to promote the adoption of these principles through national legislation" (Report of the UNSG *In Larger Freedom: Towards Development, Security and Human Rights for All*, 21 March 2005, para.210).

Inter-governmental agencies, such as the UNHCR, the UNDP, the Office of the High Commissioner for Human Rights, and UNICEF, have incorporated the Guiding Principles into their policy with regard to internal displacement and have disseminated them amongst their staff.

UN treaty bodies, which monitor the implementation of UN human rights conventions by state parties, such as the Human Rights Committee or the Committee on the Rights of the Child, have referred to the Guiding Principles in their observations to states.

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[2] You can consult "Guiding Principles on Internal Displacement, Annotations", *Studies in Transnational Legal Policy* 32, 2000, which highlights in detail the legal basis of each of the Guiding Principles, http://www.asil.org/pdfs/study_32.pdf.

[3] See article 12(1) of the International Covenant on Civil and Political Rights; Articles 49 and 147 Geneva Convention IV, Articles 51(7), 78(1), and 85(4) of Protocol I, and Articles 4(3)(e) and 17 of Protocol II.

[4] Article 16 of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

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Regional organisations have made use of the Guiding Principles in their work and have further encouraged their dissemination. References to the Guiding Principles can be found in resolutions, recommendations, and reports adopted by the following organisations: the African Union, the Economic Community of West African Statues, the Inter-Governmental Authority on Development (Horn of Africa), the Organization of American States, the Organization for Security and Co-operation in Europe, and the Council of Europe.

Individual states

- **Angola:** the government incorporated the Guiding Principles into its law on resettlement in order to guide IDP returns after the civil war;
- **Colombia:** the Constitutional Court cited the Guiding Principles as a basis for judgements in support of IDPs;
- **Peru:** the Congress in 2004 adopted a law based on the Guiding Principles that provided for material benefits for IDPs;
- **US:** USAID, the US foreign aid agency, issued a policy document to guide its assistance to IDPs, referring to the Guiding Principles as a "framework for response";
- **Other governments (Burundi, Colombia, the Philippines, Sri Lanka, Uganda)** have developed national policies based on the principles.

How NGOs can use the Guiding Principles

- Disseminate the Guiding Principles and information about the Guiding Principles, especially in languages used by IDPs and relevant authorities;
- Advocate widely for the application of the Guiding Principles by national authorities and international organisations;
- Support training on the Guiding Principles and on international humanitarian and human rights law for staff, for the displaced themselves, and for relevant authorities and partner organisations;
- Monitor and disseminate information on compliance with the Guiding Principles;
- Support the collection of data that provides accurate information on the numbers of IDPs and their condition, taking due note of requirements for security, protection, and privacy.

Resources

- **The Guiding Principles on Internal Displacement** can be downloaded from the website of the Global IDP Project of the Norwegian Refugee Council: www.idpproject.org/training.htm
- **Articles and reviews of the Guiding Principles** can be found on the website of the Brookings Institution Project on Internal Displacement: www.brookings.edu/fp/projects/idp/articles/index.htm
- **The Handbook for Applying the Guiding Principles on Internal Displacement**, United Nations Office for the Coordination of Humanitarian Affairs, 1999, www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5CTJBU?OpenDocument
- **Guidance on the monitoring of IDPs' human rights** can be found in: *Training Manual on Human Rights Monitoring*, Professional Trainings Series No. 7, Office of the United Nations High Commissioner for Human Rights, 2001. See Chapter X: www.ohchr.org/english/about/publications/docs/train7_d.pdf; and Chapter XI: www.ohchr.org/english/about/publications/docs/train7_e.pdf

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Handout 5 - The Global IDP Project

The Global IDP Project is an international non-governmental body working for better protection and assistance of people who have been displaced within their own country by conflict or human rights violations. Established by the Norwegian Refugee Council in 1996, it aims to improve responses to the needs of, and to increase respect for the rights of, millions of the world's most disadvantaged and vulnerable people, as well as to find solutions that ultimately lead to their safe return or resettlement and integration.

Its main activities are the dissemination of the Guiding Principles on Internal Displacement amongst all relevant actors through training, and the collection and dissemination of information on the condition of IDPs –through the Global IDP Database.

Training on the Guiding Principles on Internal Displacement

This module on IDPs was developed by the Global IDP Project. Its objective is to present in a short session some key aspects of the legal and operational framework applying to the provision of protection and assistance to IDPs. These aspects, and others, are detailed and discussed comprehensively in the full training package on the Guiding Principles on Internal Displacement and the protection of IDPs, which the Global IDP Project has developed with the support of the Office of the United Nations High Commissioner for Human Rights.

Training workshops provide participants with an overview of the main features of the Guiding Principles and trigger a dialogue about their status and implementation at the country level, including the following topics:

- The definition of an internally displaced person;
- The legal background of the Guiding Principles;
- Standards applying to the protection from and during displacement;
- Durable solutions;
- Gender aspects of internal displacement.

The two- or three-day training agenda also gives participants the opportunity to reflect on how to operationalise the Guiding Principles in humanitarian assistance programmes and protection activities. Through group work and other activities, the training focuses on how the protection needs of IDPs can be addressed concretely with due consideration to the country context, by:

- Reviewing protection activities and best practices relevant to situations of internal displacement;
- Mapping the actors in charge of the protection of IDPs;
- Identifying their role and possible contribution to an improved response to the protection needs of IDPs.

The outcome of the workshops is documented in reports prepared by the Global IDP Project, which include conclusions and recommendations for future action and follow-up activities agreed upon by the participants.

Institutions and actors targeted by this training programme include:

- National authorities: key staff members within state or provincial authorities in charge of assistance to, and protection of, IDPs;
- International and national NGOs dealing with IDPs at the country level;
- Leaders/representatives of displaced communities;
- Field staff of UN organisations and other inter-governmental agencies.

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The Global IDP Project's training team can be reached for any further information or for requests relating to its training activities at idpproject@nrc.ch. Information on the Global IDP Project's training programme and modules is also available at: www.idpproject.org/training.htm.

The IDP Database

The IDP Database was created in 1999 following a request of the Inter-Agency Standing Committee (a humanitarian coordination forum under the leadership of the United Nations Emergency Coordinator). It features comprehensive and regularly updated country profiles of all situations of conflict-induced internal displacement worldwide. Each country profile includes an overview of the displacement situation in a given country and provides direct access to virtually all publicly available IDP information. The profiles are tailored to meet a diversity of information needs by offering access to all data included at different levels of detail and depth.

Each country profile covers the following topics: background and causes of displacement; population profiles and figures; patterns of displacement; physical security and freedom; subsistence needs; access to education; issues of self-reliance and participation; documentation needs and citizenship; issues of family unity, identity, and culture; property issues; patterns of return and resettlement; humanitarian access; national and international response.

The country profiles can be accessed directly from the drop-down menus at the top of the **Global IDP Project's homepage: www.idpproject.org**. Access is easy and free-of-charge.

By making relevant information and analysis available to decision-makers, humanitarian practitioners, and the general public, the project seeks to enable key actors at the international, national, and local levels to make timely and informed decisions on responses to the needs and rights of IDPs, in line with international standards such as the Guiding Principles on Internal Displacement.

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Handout 6 - Optional Activity 3 - Answer Guide

Freedom of movement

- Protection against arbitrary displacement (GP 6);
- IDPs should not be arbitrarily interned or confined in camps (GP 12);
- Freedom of movement and freedom of choice of residence (GP 14);
- Right to seek safety elsewhere in the country, to leave the country, to seek asylum, to be protected against forced return (GP 15);
- Responsibility of authorities to support the return or resettlement of IDPs (GP 28).

Non-discrimination

- Guiding Principles should apply to IDPs without any discrimination based on displacement (GP1);
- Prohibition of discrimination of any kind against IDPs (GP 4);
- Protection of IDPs against discriminatory arrest or detention (GP 12);
- Protection of IDPs against discriminatory recruitment into armed forces (GP 13);
- Prohibition of discrimination against IDPs in the enjoyment of political, civil, and social and economic rights? (GP 22);
- Right to humanitarian assistance without discrimination (GP 24);
- Prohibition of discrimination against IDPs upon return or resettlement (GP 28).

Participation of IDPs

- Right of IDPs to request assistance and protection (GP 3);
- Provision of information to those to be displaced and involvement in the planning and management of relocation (in non-emergency situations) (GP 7);
- Participation of women in the planning and distribution of basic supplies (GP 18);
- Right of IDPs to participate in community and public affairs (GP 22);
- Participation of IDPs in the planning and management of return or resettlement (GP 28);
- Right of IDPs to participate in public affairs upon return or resettlement (GP 29).

Displaced women

- Prohibition of discrimination against IDPs because of gender (GP 4);
- Consultation of displaced women in planning and management of relocation (GP 7);
- Protection against gender-specific violence (GP 11);
- Full participation in the distribution of basic supplies (GP 18);
- Special attention to the health needs of women (GP 19);
- Equal rights of women and men to obtain documentation (GP 20);

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- Full and equal participation of women and girls in education programmes and access to education and training facilities (GP 23).

Displaced children

- Prohibition of discrimination against IDPs because of age (GP 4);
- Prohibition of restriction of liberty, including forced labour, sexual exploitation, etc. (GP 11);
- Prohibition of recruitment, participation or permission of displaced children in armed hostilities (GP 13);
- Right of family unity and responsibility of authorities to facilitate reunification (GP 17);
- Displaced children should be provided with education at primary level (GP 23);
- Access to educational and training facilities, particularly for adolescents (GP 23).

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Optional Module:

Internally Displaced Persons (IDPs)

A module developed
by
The Global IDP Project
of the Norwegian Refugee Council (NRC)

Global IDP Project

NORWEGIAN REFUGEE COUNCIL

Objectives

- Outline the key components of the IDP definition;
- Distinguish between the description of an IDP and the definition of a refugee;
- Outline who has a role and responsibility in relation to the protection of IDPs;
- Describe how the Guiding Principles can be used as a framework for protection.

IDPs outnumber refugees

Year	Refugees	IDPs
1970	9 million	5 million
1980	14 million	9 million
2000	16 million	22-25 million
2004	13.2 million	25 million

Sources: UNHCR website for refugee figures and NRC/Global IDP Project for IDP figures

Who is an internally displaced person?

The UN definition

"Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid **the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters**, and who have not crossed an internationally recognised State border."

A special vulnerability

- **May be forced towards unhealthy or inhospitable environments;**
- **Social organisation destroyed or damaged;**
- **May experience profound psychological distress;**
- **Removed from sources of income and livelihood;**
- **Schooling disrupted;**
- **May lack identity documents;**
- **Lack of access for international organisations.**

Comparison:
The Refugee and IDP «definitions»

Refugees

- Have crossed an international border;
- Have lost the protection of their own country;
- Have a special status under international law.

IDPs

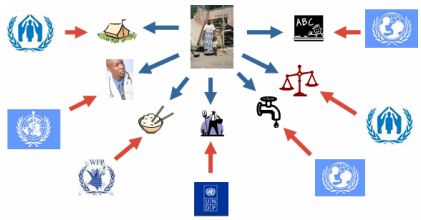
- Are displaced within their own country;
- Causes of flight: violence, war, human rights violations, disasters;
- Country still in charge of their protection;
- Do not have a special status under international law but should enjoy same rights as other citizens.

Who is responsible?

Guiding Principle 3

"National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs within their jurisdiction."

IDPs have cross-cutting needs



A collaborative response is required

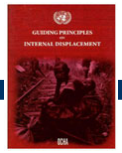
The role of the UNHCR

- **UNHCR has a predisposition to protect IDPs;**
- **The UNHCR mandate does not include those who have fled from natural or man-made disasters;**
- **In 2004, only 5.4 million IDPs were of concern to the UNHCR out of a total of 25 million IDPs worldwide;**
- **UNHCR leads protection effort of UN Country Team as part of collaborative response.**

Comparison: The protection regime for refugees and IDPs

Refugees	IDPs
• State authorities in host country; • The UNHCR has a global mandate for refugees worldwide.	• National state authorities; • Collaborative response under the leadership of the UN Emergency Relief Coordinator; • IDPs of concern to the UNHCR in some countries only.

The Guiding Principles (GP)



The Guiding Principles - objectives

- Identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement;
- Not binding - but derived from binding international law;
- Provide guidance to all actors dealing with IDPs, including national and international actors.

The Guiding Principles - content

Content:
- Introduction - Scope and Purpose

Principles relating to:
- Section I - General Principles
- Section II - Protection from displacement
- Section III - Protection during displacement

IDPS have the right to seek asylum (GP 15)!
- Section IV - Humanitarian assistance
- Section V - Return, resettlement and reintegration

Comparison: The legal framework for refugees and IDPs

Refugees

- The 1951 Refugee Convention and its 1967 Protocol,
  - Creates a specific legal regime for those in need of international protection;
- Human rights law;
- International humanitarian law.

IDPs

- Human rights law;
- International human rights law;
- Guiding Principles on Internal Displacement,
  - Restate international legal standards that are relevant to the specific needs of IDPs
  - Refugee law by analogy.

Conclusions

- **Guiding Principles restate the rights of IDPs and duties of responsibilities;**
- **They are consistent with international human rights law, international humanitarian law, and refugee law by analogy;**
- **States have increasingly used the GP as a reference tool.**

This module on IDPs was developed by

the Global IDP Project

of the Norwegian Refugee Council (NRC)

To find out more about their training materials and resources on IDPs by country (database), please visit:

www.idpproject.org

Global IDP PROJECT

NORWEGIAN REFUGEE COUNCIL

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UNHCR Executive Committee (EXCOM) Conclusions

EXCOM conclusions are based on consensus reached by member states of the Executive Committee and agree in practical terms how refugees will be protected. Whilst they are considered soft law, they do set standards that have been agreed to by members of the international community. Given this, they have a highly persuasive value, and governments and the UNHCR should be held accountable to the standards set in the conclusions.

A compilation of Executive Committee conclusions is available electronically from www://unhcr.ch under the search string of "Excom Conclusions". Conclusions are an extremely important record of the decisions that EXCOM members reach each year on critical refugee protection and assistance issues. They provide an authoritative reference, or soft law, on the protection responsibilities of those who assist and protect refugees. The conclusions are on specific subjects, such as voluntary repatriation, or on members of the refugee population, such as women, children, urban refugees, etc. They also include general conclusions, such as the Note on International Protection that is issued each year and that provide a helpful reference to key protection issues that EXCOM has decided on or is about to address.

It should be noted that the conclusions that have been decided in recent years often refer back in time to previous conclusions dealing with the same subject. For example, Conclusion 101 on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees refers to what are considered "baseline" conclusions on voluntary repatriation, such as Conclusions 40 and 18. Because the conclusions build on each other, you should refer to all conclusions on the subject you are seeking to get guidance on.

For the purposes of Reach Out training, the following conclusions should be referred to:

- "Protection in Voluntary Repatriation", No. 18 (1980)
- "Basic Rights of Asylum Seekers in Cases of Mass Influx", No. 22 (1981)
- "Identity Documents for Refugees", No. 35 (1984)
- "Refugee Women and International Protection", No. 39 (1985)
- "Protection in Voluntary Repatriation Operations", No. 40 (1985)
- "Detention of Refugees". No. 44 (1999)
- "Refugee Women and International Protection", No. 64 (1990)
- "Refugee Protection and Sexual Violence", No. 73 (1993)
- "Protection of the Refugee's Family", No. 88 (1999)
- "Registration of Refugees and Asylum Seekers", No. 91 (2001)
- "Reception of Asylum Seekers in the Context of Individual Asylum Systems", No. 93 (2002)
- "Conclusion on the Civilian and Humanitarian Character of Asylum", No. 94 (2003)
- "Conclusion on Protection from Sexual Abuse and Exploitation", No 98 (2003)
- "Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx", No 100 (2004)
- "Conclusion on Legal Safety Issues in Context of Voluntary Repatriation of Refugees", No 101 (2004)

You may also want to refer to the annual general **Note on International Protection,** as it is a valuable source of current issues before the Executive Committee. See the **glossary** for an explanation of the Executive Committee and its operations. All of these conclusions are readily available on the UNHCR website or on REFWORLD (website or CD-ROM). Check these sources for other EXCOM conclusions and to update the list. A compendium of EXCOM conclusions was made available in 2004, and it, too, is on the website.

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EXCOM Conclusion N. 84 - Refugee Children and Adolescents[1]

No. 84 (XLVIII) – 1997: Executive Committee 48th session. Contained in United Nations General Assembly Document No. 12A (A/52/12/Add.1).

The Executive Committee,

Recognizing that children and adolescents constitute the majority of refugees and other persons of concern to UNHCR,

Conscious of the human rights and dignity of all refugee children and adolescents, and that, due to their specific needs and vulnerability within the broader refugee population, they need to be among the first to receive protection and assistance in any refugee situation,

Gravely concerned that refugee children and adolescents continue to be exposed to family separation, physical violence and other violations of their human rights, including through sexual abuse and exploitation, and military or armed attacks,

Recalling the fundamental importance of the Convention on the Rights of the Child (CRC) to the legal framework for the protection of child and adolescent refugees and for promoting their best interests,

Recalling that the Convention on the Rights of the Child, in its preamble, states that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Welcoming the United Nations Study on the Impact of Armed Conflict on Children ("the Machel Study"), and the appointment of a Special Representative of the Secretary-General on the Impact of Armed Conflict on Children,

Taking note, with interest, of UNHCR´s strategy for follow-up to the Machel Study, and commending the establishment of operational performance objectives in respect of refugee children and adolescents,

Reaffirming its Conclusions No. 47 (XXXVIII) and No. 59 (XL) concerning refugee children and adolescents, and, stressing their continued validity,

(a) Calls upon States and relevant parties to respect and observe rights and principles that are in accordance with international human rights and humanitarian law and that are of particular relevance to international refugee protection, especially to safeguarding child and adolescent refugees, including:

(i) the principle of the best interests of the child and the role of the family as the fundamental group of society concerned with the protection and well-being of children and adolescents;

(ii) the fundamental right of children and adolescents to life, liberty, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment;

(iii) the right of children and adolescents to education, adequate food, and the highest attainable standard of health;

(iv) the right of children affected by armed conflict to special protection and treatment, taking into account the particular vulnerability of refugee children to being forcibly exposed to the risks of injury, exploitation, and death in connection with armed conflict;

(v) the right of children to protection from harmful traditional practices and from all other forms of exploitation;

(b) Urges States and concerned parties to take all possible measures to protect child and adolescent refugees, *inter alia*, by:

(i) preventing separation of children and adolescent refugees from their families and promoting care, protection, tracing and family reunification for unaccompanied minors;

[1] Date: 17 Oct 1997, Executive Committee Conclusions, Document symbol: No. 84 (XLVIII) - 1997

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(ii) safeguarding the physical security of refugee children and adolescents, securing the location of camps and settlements at a reasonable distance from the frontiers of countries of origin, and taking steps to preserve the civilian character and humanitarian nature of refugee camps and settlements;

(iii) preventing sexual violence, exploitation, trafficking and abuse; addressing the needs and rights of child and adolescent victims through provision of appropriate legal and rehabilitative remedies; and by following up on the Plan of Action of the 1996 Stockholm World Congress on the Sexual Exploitation of Children;

(iv) providing appropriate training to military personnel and peacekeepers on human rights and humanitarian protections to which children and adolescents are entitled, and holding all parties accountable for violations of such rights and protections in refugee situations;

(v) ensuring access to education, and the right of the child to freedom of thought, conscience and religion;

(vi) providing medical or other special care, including rehabilitation assistance, to assist the social reintegration of refugee children and adolescents, especially those who are unaccompanied or orphaned;

(c) Calls upon UNHCR to continue to integrate fully the rights of the child into its policies and programmes; improve its operational methods for assessing the needs of child and adolescent refugees; train its staff and implementing partners accordingly; formulate preventive strategies; and strengthen collaboration with States, UNICEF, WFP, the Office of the High Commissioner for Human Rights, ICRC, non-governmental organizations, and other concerned actors;

(d) Calls upon UNHCR to include on the work programme of the Standing Committee in 1998 a report on the implementation of its strategy for follow-up to the Machel Study, with special reference to the establishment of operational performance objectives in respect of refugee children and adolescents and the identification of improvements in staffing, training and budgeting to meet these objectives; and also to report on follow-up of its evaluation of UNHCR programming and protection efforts on behalf of refugee children and adolescents.

(e) Calls upon all States to participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text.

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EXCOM Conclusion N. 94 - Conclusion on the Civilian and Humanitarian Character of Asylum[2]

No. 94 (LIII) – 2002: Executive Committee 53rd session. Contained in United Nations General Assembly document A/AC.96/973 and document no. 12A (A/57/12/Add.1)

The Executive Committee,

Remaining seriously concerned by the continuing occurrence of military or armed attacks and other threats to the security of refugees, including the infiltration and presence of armed elements in refugee camps and settlements,1

Recalling the relevant provisions of international refugee law, international human rights law and international humanitarian law,

Recalling its Conclusion No. 27 (XXXIII) and Conclusion No. 32 (XXXIV) on military attacks on refugee camps and settlements in Southern Africa and elsewhere; Conclusion 72 (XLIV) on personal security of refugees; Conclusion No. 48 (XXXVIII) on military or armed attacks on refugee camps and settlements; Conclusion No. 47 (XXXVIII) and Conclusion No. 84 (XLVII), on refugee children and adolescents, as well as Conclusion No. 64 (XLI) on refugee women and international protection,

Recalling also United Nations Security Council resolution S/RES/1208 (1998) and S/RES/1296 (2000), and the two reports of the United Nations Secretary-General on the Protection of Civilians in Armed Conflict2, noting in particular the recommendations made therein with respect to enhancing the security of refugee camps and settlements,

Welcoming the discussion which took place on the civilian character of asylum in the context of the Global Consultations on International Protection,3

Noting that several international meetings have recently been held, aimed at identifying effective operational strategies for maintaining the civilian and humanitarian character of asylum,4

Reiterating that refugee camps and settlements should have an exclusively civilian and humanitarian character, that the grant of asylum is a peaceful and humanitarian act which should not be regarded as unfriendly by another State, as stated in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and a number of Executive Committee conclusions, and that all actors, including refugees themselves, have the obligation to cooperate in ensuring the peaceful and humanitarian character of refugee camps and settlements,

Recognizing that the presence of armed elements in refugee camps or settlements; recruitment and training by government armed forces or organized armed groups; the use of such camps, intended to accommodate refugee populations on purely humanitarian grounds, for the internment of prisoners of war; as well as other forms of exploitation of refugee situations for the purpose of promoting military objectives are likely to expose refugees, particularly women and children, to serious physical danger, inhibit the realization of durable solutions, in particular voluntary repatriation, but also local integration, jeopardize the civilian and humanitarian character of asylum and may threaten the national security of States, as well as inter-State relations,

Recognizing the special protection needs of refugee children and adolescents who, especially when living in camps where refugees are mixed with armed elements, are particularly vulnerable to recruitment by government armed forces or organized armed groups,

Reaffirming the importance of States, UNHCR and other relevant actors, integrating safety and security concerns from the outset of a refugee emergency into refugee camp management in a holistic manner,

(a) Acknowledges that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, inter alia, making all efforts to locate refugee camps

[2] Date: 8 Oct 2002, Executive Committee Conclusions, Document symbol: No. 94 (LIII) – 2002

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and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and the identification, separation and internment of combatants;

(b) Urges refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing their use for purposes which are incompatible with their civilian character;

(c) Recommends that action taken by States to ensure respect for the civilian and humanitarian character of asylum be guided, inter alia, by the following principles;

- Respect for the right to seek asylum, and for the fundamental principle of non-refoulement, should be maintained at all times;
- Measures for the disarmament of armed elements and the identification, separation and internment of combatants should be taken as early as possible, preferably at the point of entry or at the first reception/transit centres for new arrivals;
- To facilitate early identification and separation of combatants, registration of new arrivals should be conducted by means of a careful screening process;
- Refugee camps and settlements should benefit from adequate security arrangements to deter infiltration by armed elements and the strengthening of law and order;
- Once identified, disarmed and separated from the refugee population, combatants should be interned at a safe location from the border;
- Where the granting of refugee status is based on group determination, civilian family members of combatants should be treated as refugees and should not be interned together with them;
- Combatants should not be considered as asylum-seekers until the authorities have established within a reasonable timeframe that they have genuinely and permanently renounced military activities, once this has been established, special procedures should be put in place for individual refugee status determination, to ensure that those seeking asylum fulfil the criteria for the recognition of refugee status, during the refugee status determination process, utmost attention should be paid to article 1F of the 1951 Convention, in order to avoid abuse of the asylum system by those who do not deserve international protection;
- Former child soldiers should benefit from special protection and assistance measures, in particular as regards their demobilization and rehabilitation;
- Where necessary, host States should develop, with assistance from UNHCR, operational guidelines in the context of group determination to exclude those individuals who are not deserving of international refugee protection;

(d) Further to para (c)(ii) above, calls upon UNHCR to convene a meeting of experts in support of the elaboration of measures for the disarmament of armed elements and the identification, separation, and internment of combatants, including the clarification of relevant procedures and standards, in consultation with States, United Nations Secretariat entities and agencies, and interested organizations, such as the ICRC, and report back to the Executive Committee on progress achieved;

(e) Calls upon States to ensure that measures are taken to prevent the recruitment of refugees by government armed forces or organized armed groups, in particular of children, taking into account also that unaccompanied and separated children are even more vulnerable to recruitment than other children;

(f) Calls upon the relevant United Nations organs and regional organizations, in pursuance of their respective mandates, as well as the international community at large, to mobilize

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adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, in line with the principles of international solidarity, co-operation, burden and responsibility sharing;

(g) Calls upon UNHCR and the Department of Peacekeeping Operations of the United Nations Secretariat to enhance collaboration on all aspects of this complex matter, and as appropriate, to deploy, with the consent of host States, multi-disciplinary assessment teams to an emerging crisis area in order to clarify the situation on the ground, evaluate security threats for refugee populations and consider appropriate practical responses;

(h) Calls upon UNHCR to explore how it may develop, in consultation with relevant partners, its own institutional capacity to address insecurity in refugee camps, inter alia by assisting States to ensure the physical safety and dignity of refugees, building, as appropriate, upon its protection and operational expertise.

(i) 1 For the purpose of this Conclusion, the term "armed elements" is used as a generic term in a refugee context that refers to combatants as well as civilians carrying weapons. Similarly, for the purpose of this Conclusion, the term "combatants" covers persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum.

2 S/1999/957;S/2001/331.

3 EC/GC/01/8/Rev.1.

4 Workshop on the Potential of International Police in Refugee Camp Security (Ottawa, Canada, March 2001); Regional Symposium on Maintaining the Civilian and Humanitarian Character of Refugee Status, Camps and other locations (Pretoria, South Africa, February 2001); International Seminar on Exploring the Role of the Military in Refugee Camp Security (Oxford, UK, July 2001).

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EXCOM Conclusion N. 98 - Conclusion on Protection from Sexual Abuse and Exploitation[3]

(No. 98 (LIV) - 2003)

The Executive Committee,

Reaffirming its Conclusions No. 39 (XXXVI), No. 47 (XXXVIII), No. 54 (XXXIX), No. 60 (XL), No. 64 (XLI), No. 68 (XLIII), No. 73 (XLIV), No.74 (XLVI), No.79 (XLVII), No.84 (XLVIII), No.85 (XLIX), No.87 (L), No. 91 (LII) and No.94 (LIII) and in particular the need to combat sexual and gender-based violence in refugee situations; and recalling also in this context the relevant goals and objectives of the Agenda for Protection;

Recalling the international community's efforts to strengthen the international legal framework for combating sexual abuse and exploitation;

Recalling also the report of the United Nations Office of the Internal Oversight Services on the investigation into sexual exploitation of refugees by aid workers in West Africa1, and resolution A/RES/57/306;

Noting distressing reports over the last few years that refugees and asylum-seekers, in particular women and children, have been victims of sexual abuse and exploitation during flight or upon arrival in their country of asylum, and deeply concerned that this has negatively impacted their access to basic protection and assistance, including health care and education, the issuance of personal documentation or granting of refugee status;

Recognizing that sexual abuse and exploitation are a consequence of unequal power relationships; a dynamic that is often exacerbated during humanitarian crises characterized by widespread violence, mass displacement, and the breakdown in family structures, social and value systems; and noting with distress, the involvement of humanitarian workers, officials and other persons working closely with refugee populations;

Acknowledging that inadequate protection or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

Recognizing the importance of effective mechanisms to prevent and respond to the occurrence of sexual abuse and exploitation in all phases of the refugee experience;

Recognizing that the best interest of the child shall be a primary consideration in the design and implementation of all prevention and response measures, to ensure the protection of children from all forms of abuse, neglect, exploitation and violence, including sexual abuse and exploitation;

Welcoming the June 2002 Report of the Inter-Agency Standing Committee Task-Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and its plan of action to address the problem of sexual abuse and exploitation;

Recalling previous UNHCR policies and guidelines intended to address violence against refugees, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women; the 1993 Policy on Refugee Children and 1994 Refugee Children: Guidelines on Protection and Care, the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response, as updated in 2003; and the High Commissioner's 2001 Five Commitments to Refugee Women;

Noting the issuance in May 2003 of UNHCR's revised Guidelines on Sexual and Gender-Based Violence in Refugee, Returnee and Displaced Situations, as well as the UNHCR Guidelines on International Protection, Gender-Related Persecution, of May 2002, and noting UNHCR's endeavours to address the problem of sexual and gender-based violence in the field and the various training initiatives undertaken to date to provide staff with the practical skills necessary to meet the protection needs of victims of sexual abuse and exploitation;

[3] Date: 10 Oct 2003, Executive Committee Conclusions, Document symbol: No. 98 (LIV) – 2003

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Welcoming UNHCR's efforts to address the problem through the promulgation and implementation of a Code of Conduct for UNHCR staff, in accordance with the plan of action of the Inter-Agency Standing Committee's Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises; and the amendment of its programme implementation sub-agreements to include a requirement for implementing partners to have similar Codes of Conduct and for these to be implemented fully;

(a) Calls upon States, UNHCR and its implementing and operational partners to ensure that appropriate systems to prevent and respond to sexual and gender-based violence, including sexual abuse and exploitation, are in place, ensuring the needs of women and children, as well those of vulnerable persons, are addressed at all times; and recommends that measures to combat sexual abuse and exploitation of refugees and asylum-seekers be guided by the importance of:

- Ensuring explicit reference in codes of conduct and other relevant policies to the responsibilities of relevant personnel to prevent and respond appropriately to sexual and gender-based violence, including sexual abuse and exploitation;
- Ensuring the prompt investigation of allegations of sexual abuse and exploitation;
- Ensuring that actions undertaken on behalf of refugees and asylum-seekers, including women, children and vulnerable persons, enhance their meaningful participation in decision-making processes; that they are provided with sufficient information to form their opinions, and channels for communicating their concerns to humanitarian agencies, and are provided with full information about refugee protection and available assistance;
- Ensuring that needs assessments, evaluations and reports, identify vulnerabilities to sexual exploitation and abuse and provide a basis for improved programme planning that minimizes risks and opportunities for sexual abuse and exploitation, and that protection and assistance processes, taking into account the quantity and quality of assistance and distribution methods, including supervision, are designed and implemented in a manner that reduces the risk of sexual abuse and exploitation;
- Ensuring that camp governance is conducted in an equitable manner that empowers women, children and vulnerable groups and that the physical layout of camps is designed in such a way as to make such individuals less vulnerable to sexual abuse and exploitation;
- Ensuring that easily accessible and confidential complaint and redress mechanisms are in place for victims of sexual abuse and exploitation, and that they appropriately apply sanctions to perpetrators and ensure that such mechanisms respect due process rights of the accused, and safeguard the security and rights of the victim or witnesses;
- Ensuring the existence of adequate remedial measures in order to appropriately care for victims of sexual abuse and exploitation;
- Conducting training and capacity building on the prevention and response to sexual abuse and exploitation;

(b) Calls upon UNHCR to continue to pursue its ongoing activities taken in the area of sexual abuse and exploitation with particular attention to:

- Ensuring full implementation of respective policies, codes of conduct, the guidelines on sexual and gender-based violence in refugee, returnee and internally displaced situations, as well as the UNHCR guidelines on gender-related persecution;
- Implementing the relevant recommendations from the evaluations of UNHCR's activities in the area of refugee women, refugee children and community services;
- Ensuring adequate levels of monitoring and supervision of programmes for prevention and protection from sexual abuse and exploitation, including through physical presence, and to support staff at field level to implement concrete programmes of action;

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- Developing mechanisms to ensure accountability, including at senior levels, in the implementation of all protection and assistance activities to prevent sexual and gender-based violence;
- Promoting gender balance in staff at all levels, both at headquarters and in the field, as well as expert and specialist competence, while having regard to merit selection principles;

(c) Urges all States, consistent with applicable international refugee, human rights and humanitarian law:

- to protect refugees and asylum-seekers, especially children, from all forms of abuse, neglect, exploitation and violence; and
- to cooperate in eliminating all forms of discrimination, sexual exploitation and violence against female refugees and asylum-seekers, and to promote their active involvement in decisions affecting their lives and communities;

(d) Urges States to respect and ensure the right of all individuals within their territory and subject to their jurisdiction, to security of person, inter alia by enforcing relevant national laws, consistent with international law, and by adopting concrete measures, where they do not exist, to prevent and combat sexual abuse and exploitation including through:

- The development and implementation of training programmes, guidelines and other practical measures aimed at promoting respect by all government officials, as well as persons acting on behalf of the State, who have contact with refugee populations, for the right of every individual to security of person and at promoting protection from sexual abuse and exploitation;
- Appropriate follow-up action in response to allegations of sexual violence and exploitation including, where necessary, by implementation of remedies, such as facilitating the filing and investigation of complaints of sexual violence and exploitation, the prosecution of offenders, and timely and proportional disciplinary sanctions in cases of abuse of power or gross negligence resulting in sexual exploitation;
- Complaint and redress mechanisms, where appropriate, which are easily accessible, do not compromise the security of the survivors or other informants, and give due regard to confidentiality. Such complaint mechanisms should, where feasible, provide victims and witnesses with referrals to support services with appropriately trained personnel, including in particular female counsellors;

(e) Calls on States to ensure that all humanitarian agencies funded by them and working with refugees integrate and promote policies consistent with the core principles of the plan of action of the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises;

(f) Calls on UNHCR to support its internal investigation capacity within the Inspector General's Office to ensure that the Office is able to react swiftly and effectively to ascertain the veracity of any allegations of sexual abuse or exploitation by UNHCR or implementing partner staff;

(g) Calls upon the international community in cooperation with UNHCR and other international organisations to mobilize the resources necessary to ensure the provision of protection and material assistance in support of host countries, based on international solidarity, cooperation, burden and responsibility-sharing, since inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

(h) Calls upon UNHCR to continue its cooperation with other actors to ensure protection from exploitation and abuse of refugees and asylum-seekers, including through participation in the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, and other coordination mechanisms;

(i) Calls upon UNHCR to continue to report on a regular basis on progress made in the implementation of measures to combat sexual abuse and exploitation.

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EXCOM Conclusion N. 100 - Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations[4]

(No. 100 (LV) - 2004)

The Executive Committee,

Considering that the achievement of international cooperation in solving international problems of a humanitarian character is a purpose of the United Nations as defined in its Charter and that the 1951 Convention relating to the Status of Refugees recognizes that a satisfactory solution to refugee situations cannot be achieved without international cooperation,

Reaffirming that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and responsibility and burden sharing among all States,

Recalling the importance of international cooperation to resolve the plight of refugees, action to address the causes of refugee movements, as well as to avert them, inter alia, through the promotion of peace, stability and dialogue, and of action to prevent refugee movements from becoming a source of tension between States,

Emphasizing States' obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and highlighting that States' continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

Reaffirming the importance of international burden and responsibility sharing in reducing the burdens of host countries, especially developing countries,

Noting that persons who arrive as part of a mass influx seeking international refugee protection should always receive it, at least on a temporary basis,

Reaffirming that access to asylum and the meeting by all States of their international protection obligations should not be dependent on burden and responsibility sharing arrangements first being in place, particularly because respect for human rights and humanitarian principles is a responsibility for all members of the international community,

Recalling that mass influx situations pose challenges for receiving States in particular, as well as for other States in the region and for the international community; and reiterating its recognition of the heavy responsibilities and burdens borne by countries receiving a mass influx, especially when the resulting presence of refugees becomes protracted, and the need for international cooperation to achieve a satisfactory durable solution to a problem which is international in scope and nature,

Reaffirming, in regard to mass influx, the guidance on reinforcing burden and responsibility sharing, including in particular that set out in Conclusion No. 22 (XXXII) of 1981 on the protection of asylum-seekers in situations of large-scale influx, Conclusions No. 15 (XXX) of 1979 on refugees without an asylum country, No. 52 (XXXIX) of 1988 on international solidarity and refugee protection, No. 80 (XLVII) of 1996 on comprehensive and regional approaches within a protection framework, No. 91 (LII) of 2001 on registration of refugees and asylum-seekers, No. 94 (LIII) of 2002 on the civilian and humanitarian character of asylum, and Conclusions No. 77 (XLVI) of 1995, No. 85 (XLIX) of 1998 and No. 89 (LI) of 2000 on international protection, as well as General Assembly Resolution 58/169 of 22 December 2003 on human rights and mass exoduses,

Expressing its appreciation for the useful discussions on mass influx situations and burden and responsibility sharing which took place in the context of the third track of the Global Consultations on International Protection,

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Recalling the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, inter alia, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(a) Notes that mass influx is a phenomenon that has not been defined, but that, for the purposes of this Conclusion, mass influx situations may, inter alia, have some or all of the following characteristics: (i) considerable numbers of people arriving over an international border; (ii) a rapid rate of arrival; (iii) inadequate absorption or response capacity in host States, particularly during the emergency; (iv) individual asylum procedures, where they exist, which are unable to deal with the assessment of such large numbers;

(b) Recognizes the differing capacities of States to contribute to resolving mass influx situations; commends the significant contributions made by countries of first asylum, particularly those in the developing world and those faced with protracted refugee situations; and stresses the value of action by States, UNHCR and other actors to share the burden and responsibility of countries of first asylum and to strengthen capacities for the protection of refugees in such host countries;

(c) Encourages all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

(d) Emphasizes the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, inter alia, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

(e) Notes the importance of the development by potential host States and UNHCR, as well as other relevant humanitarian organizations, with support by the international community, of emergency preparedness and response strategies in anticipation of situations likely to lead to a mass influx;

(f) Acknowledges the need for consultations on the international response to a mass influx situation with a view to developing appropriate international responses, including arrangements among States, regional and international organizations and, where applicable, financial institutions, as a clear sign of international solidarity and in the interest of protecting refugees;

(g) Recommends that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(h) Notes further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an ex officio basis, to examine options appropriate to the particular circumstances of the situation;

(i) Emphasizes that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of non-refoulement, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

(j) Recommends that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give

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consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

- the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;
- the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter–Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;
- the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non–governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;
- the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;
- the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;
- the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;
- the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, inter alia, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;
- the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;
- the development of criteria and modalities for humanitarian transfer or evacuation to other countries,1 fully consistent with international guidelines on the evacuation of children,2 and financial assistance and other forms of support for the countries involved;

(k) Acknowledges that the principles of international cooperation and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and highlights the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

(l) Notes the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and recommends that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

- the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;
- the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;

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- the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;
- the provision of support for national protection capacities of host States as needed, inter alia, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;
- the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;
- the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;
- the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;
- the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

(m) Recommends further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

- the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;
- where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;
- the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;
- the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;

(n) Recommends that, where a plan of action or arrangement is adopted, an effective review mechanism be included whereby all actors are brought together to evaluate its implementation and the need for any amendments to it in light of developments;

(o) Requests UNHCR to report regularly to the Executive Committee, within existing reporting mechanisms, on developments in international burden and responsibility sharing regarding mass influx situations.

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EXCOM Conclusion N. 101 - Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees[5]

(No. 101 (LV) - 2004)

The Executive Committee,

Recalling its Conclusion No. 18 (XXXI) and Conclusion No. 40 (XXXVI) on voluntary repatriation, as well as Conclusion No. 74 (XLV) paragraphs (y), (z) and (aa),

Recalling its Conclusion No. 96 and noting that the present Conclusion does not apply to persons found not to be in need of international protection,

Noting the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Expressing appreciation for the useful discussions on voluntary repatriation, which took place in the context of the third track of the Global Consultations on International Protection;1 and agreeing with the importance of working towards improved conditions for voluntary repatriation and of strengthening cooperation to make such repatriation sustainable in line with Goal 5, Objectives 2 and 3 of the Agenda for Protection which resulted from those discussions,

Reaffirming that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterating that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and noting that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions,

Reaffirming the voluntary character of refugee repatriation, which involves the individual making a free and informed choice through, inter alia, the availability of complete, accurate and objective information on the situation in the country of origin; and stressing the need for voluntary repatriation to occur in and to conditions of safety and dignity,

Recognizing in the context of voluntary repatriation the importance of resolute efforts in the country of origin to create conditions that foster the voluntary and safe return of refugees and to ensure the restoration of national protection,

Recognizing the complexities of large-scale voluntary repatriation and the difficulties which the country of origin may face in seeking to follow the guidance provided in this Conclusion,

Noting the value of countries of origin addressing issues which are of a legal or administrative nature as a means of building confidence, facilitating decisions to return and ensuring sustainable reintegration,

Emphasizing that some legal or administrative issues may only be addressed over time; and recognizing that voluntary repatriation can and does take place without all of the legal and administrative issues addressed in this Conclusion having first been resolved,

Recognizing the usefulness of States, as countries of asylum or countries of origin, and UNHCR concluding, where appropriate, tripartite agreements to facilitate voluntary repatriation efforts, thereby setting out the core elements and modalities of voluntary repatriation, the respective roles and responsibilities of the relevant actors involved, and the obligations of States with respect to returning refugees, while also noting that, under certain circumstances, voluntary repatriation may take place without such agreements,

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Recognizing also the importance of spontaneous voluntary repatriation of refugees and that actions to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees,

Noting the desirability of incorporating appropriate legal protections for returning refugees in peace agreements, whenever possible, as a measure to build confidence and in support of their promotion in practice,

Acknowledging the importance of promoting an age- and gender-sensitive approach in all aspects of refugee return processes; and, in this regard, encouraging UNHCR to develop appropriate standards and indicators that account for such factors in repatriation and reintegration programmes,

Underlining the need for strengthened cooperation among countries of origin, host countries, UNHCR and other international organizations and the international community, to ensure that voluntary repatriation will be sustainable,

Noting that reconciliation in post-conflict situations is a key challenge and that addressing this from the outset, where necessary through transitional justice mechanisms, and involving communities, may contribute to creating conditions conducive to voluntary repatriation and sustainable reintegration,

(a) Invites countries of origin, in cooperation with UNHCR, other States and other concerned actors, as necessary and appropriate, to address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, by taking into consideration, inter alia, the guidance included in the operative paragraphs that follow;

(b) Reaffirms that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; urges States to issue necessary travel documents, if required, to facilitate such return; calls upon transit countries to assist in the facilitation of return; and also notes that refugees may be required to be subject to brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

(c) Recognizes that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;2 and, in this context, notes the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

(d) Emphasizing that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;

(e) Reaffirms that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return; and recognizes that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin;

(f) Strongly urges countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

(g) Recognizes the utility of amnesties in encouraging voluntary repatriation and recommends that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further recognizes, however, that amnesties should not be extended to returning refugees charged with, inter alia, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;

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(h) Recognizes that, in principle, all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; notes, therefore, the potential need for fair and effective restitution mechanisms, which also take into account the situation of secondary occupants of refugees' property; and also notes that where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin;

(i) Stresses the desirability of ensuring that any restitution and compensation framework takes account of the situation of returning refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time;

(j) Encourages countries of origin to provide homeless returning refugees, as appropriate, with access to land and/or adequate housing, comparable to local standards;

(k) Notes the importance of ensuring nationality; and urges countries of origin to ensure that there is no exclusion of returning refugees from nationality and that statelessness is thus avoided; and recalls in this context Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and the protection of stateless persons;

(l) Notes also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may face difficulties securing recognition of documentation issued by the authorities of the country of asylum;

(m) Calls on countries of origin and countries of habitual residence to accept back refugees who are non-nationals but have been habitually resident in that country, including those who were previously stateless there;

(n) Stresses the importance of family unity during and following voluntary repatriation; and calls upon States, where necessary, to assist spouses and family members of different nationalities to remain together as families;

(o) Notes the importance of skills of returning refugees for self-reliance and, in this context, calls upon countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and encourages countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

(p) Recommends that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and stresses in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

(q) Reiterates that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment in accordance with international standards, including as regards the fulfilment of amnesties, guarantees or assurances on the basis of which refugees have returned;

(r) Encourages the country of origin, host countries and UNHCR in cooperation with other relevant actors to provide refugees with complete, objective and accurate information, including on physical, material and legal safety issues, prior to their voluntary repatriation to and reintegration in the country of origin;

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(s) Encourages UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

(t) Encourages the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

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What Is a "Rights-Based Approach" to Humanitarian Assistance/ Development? What Does the Term "Rights-Based Programming" Mean?[6]

Some conceptualisations[7]

- "A rights-based approach to development describes situations not simply in terms of human needs, or of developmental requirements, but in terms of society's obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance when needed".[8]
- "A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as a scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action. In all of these, it is concerned with not just civil and political rights (the right to a trial, not to be tortured) but also with economic, social and cultural rights (the right to food, housing, a job). [Further] the implementation of a rights-based approach implies that performance standards be set, though these are best negotiated locally"[9]
- "A rights-based approach to programming means that we must be mindful in our development work of the basic principles of human rights that have been universally recognised and which underpin both CRC and CEDAW: inter alia, the rights to self-determination, peace and security. Among human rights instruments, CRC and CEDAW are the most widely ratified and the most directly relevant instruments to the UNICEF mandate."[10]
- "An approach: a coherent body of principles, goals, standards, strategies, action plans, programmes and procedures which respond to a particular vision, values and interest; based on the notion of rights, and more specifically on human rights: consequently, our principles, goals, standards, must be consistent with the values and principles underlying the idea of human rights (human dignity, non-discrimination, equality before the law). In addition, our programmes and intervention should ultimately aim at the promotion, respect and protection of human rights".[11]
- "I have no idea what we are really talking about when we talk about a 'rights-based approach'-but the term is used all the time".[12]
- A "human rights approach to development" "sees poverty as a violation of human rights and places elimination of poverty as the primary goal of development assistance". [13]
- "A rights-based approach focuses deliberately and explicitly on people realising their rights. A key difference between needs and rights is that, while needs can exist in isolation from others, rights always trigger responsibilities. A rights-based approach to relief and development helps us to (a) take responsibility for the human rights impact of our work and (b) hold others accountable for their human responsibilities.[14]"

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[6] Source: ICVA Website (Public Access), A Background Note for the Workshop on the Development of Human Rights Training for Humanitarian Actors
[7] These definitions were taken from materials reviewed for this workshop and exploration of over 120 websites using the terms "'rights-based approach" or "rights-based programming". Many organisations use these terms in materials that are available on the Internet but do not define them.
[8] Kofi Annan, UN Secretary General, 1998.
[9] "What Can we do with a Rights-Based Approach to Development?", Briefing Paper, Overseas Development Institute,1999.
[10] UNICEF Guidelines for human rights programming approach
[11] A personal perspective offered by a workshop participant.
[12] A headquarters representative of a humanitarian organisation.
[13] AFCOA Human Rights Policy and Strategy Paper, 2001
[14] The CARE Human Rights Initiative Basic Introduction to Human Rights and Rights-Based Programming Workbook includes a session on Principles of Rights-Based Programming that identifies fundamental principles of rights-based programming.

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Human Rights and International Legal Standards: What Relief Workers Need to Know[15]

"We all use the phrase human rights... But do we really understand the nature of human rights claims, and the basis on which they are founded?" James Darcy, writing in his personal capacity for the Relief and Rehabilitation Network, is Emergencies Coordinator for Asia for Oxfam UK/I, as well as being a UK-qualified lawyer.

The concept of human rights is increasingly being invoked in the context of humanitarian relief, often in reaction to the frustration of attempts to bring relief assistance to civilian populations caught up in armed conflict.

This paper is written in the belief that, for those engaged in humanitarian work, it is essential to be familiar with the relevant human rights standards and the legal provisions that codify them. It is argued that humanitarian action can and should be rooted in human rights principles. But no agency that professes a commitment to human rights can afford to be ignorant of the relevant standards if it is to engage in more than empty rhetoric.

Network Paper 19 seeks to do three things: to sketch the basic moral and legal framework of human rights; to look at issues of responsibility, protection, and enforcement in the light of international legal obligations; and to relate this to the work of humanitarian agencies in their attempts to provide assistance and protection to communities affected by conflict and other disasters.

A wide view is taken of human rights law, so that international humanitarian law (the Geneva Conventions, etc.) and refugee law are included under this heading. A related and subsidiary aim of the paper is to examine the role and mandate of two agencies concerned specifically with these areas of law –the ICRC and the UNHCR – followed by a discussion of the connection between protection and assistance activities.

[15] By James Darcy. The full text of this paper is available from the Humanitarian Practice Network for a fee.

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The Compartmentalisation of Humanitarian Action[16]

Many of today's conflicts are characterised as 'protection crises', yet protecting human rights is somehow seen as at odds with providing humanitarian aid. The primary mandate of relief agencies operating in humanitarian emergencies is to provide urgent assistance to people in need. This typically involves providing food, shelter, water, medical care and other essential and lifesaving services. The physical and legal protection of civilians is regarded as subordinate to these commitments. Yet suffering may frequently stem from the loss or denial of physical and legal protection, for which humanitarian aid offers no remedy. The traditional perspective of humanitarian motivation must expand beyond the conventional view of how people are dying, to embrace an enlightened appraisal of how people are living.

Human rights or humanitarian assistance?

The protection of human rights is somehow seen as at odds with the provision of humanitarian assistance. The consensus definition of protection, as given by the ICRC, is 'any activity which prevents or puts a stop to a specific pattern of abuse and/or alleviates its immediate effects'.

Relief assistance tends to focus on the second aspect of protection, and does not address directly human rights violations at their source: 'We'll die with full stomachs', as the oft-quoted Bosnian refrain has it.

There is thus a conspicuous compartmentalisation peculiar to the field of humanitarian action that distinguishes as entirely distinct guilds activities that are in fact interdependent and interrelated. These simultaneously coexisting spheres of activity sometimes perform in oblivious parallels. This contrived categorisation works against a holistic engagement to political crises; it is compassion without understanding, and means that the cumulative impact of these disparate actors is not realised.

Human rights organisations and humanitarian assistance agencies interact only accidentally or socially, despite the countless situations where both simultaneously operate. In the one unifying covenant governing humanitarian conduct, the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, none of the ten principles delineates a commitment to the protection of vulnerable civilian populations.

The practical dimensions of political advocacy, community mobilisation and public protest are conspicuously absent. This critical lacuna in an otherwise practical code demonstrates how allergic aid agencies are to dealing with the root causes of abuse. That said, relief organisations are beginning to consider the integration of human rights and protection issues. UNHCR, the UN's Inter-Agency Standing Committee (IASC) and the ICRC have all published practical field guides for NGO staff, and initiatives such as the Reach Out refugee protection training project provide a useful base of protection parameters particularly relevant to aid workers. The International Rescue Committee and a few other NGOs have established departments with a mandate to address advocacy, public policy and protection.

Considering the frequency, duration and severity of human rights abuses, it should not be a question of whether relief agencies address the issue of human rights protection, but rather to what extent and how they do so. Responses range from the strict neutrality, discretion and non-disclosure of the ICRC to the public demarches and vocal advocacy of human rights organisations.

Interventions responding to negligent or ruthless parties can be categorised into three types: persuasion in an attempt to convince and compel authorities; denunciation in order to pressure and shame authorities; and substitution to replace authorities that have failed to meet their responsibilities.

[16] By Gerald Martone. Source: Humanitarian Practice Network, www.odihpn.org.

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Neutrality: an obsolete principle

Relief organisations have pervasive concerns that the public denouncement of human rights abuses in a host country will result in their expulsion; put at risk the security of their staff; and incur bureaucratic penalties. In general, aid agencies deliberately avoid even institutional proximity to the public protest of human rights agencies.

This has not always been the case. Examples abound of organisations registering their outrage at government mistreatment of civilians and the restriction of humanitarian access, without punitive consequences. In some instances, as with MSF in Burundi, public protest has actually resulted in improved access to formerly inaccessible populations. In Angola, MSF held a series of press conferences and released a report in late 2000 that was very critical of government and rebel abuse of the civilian population; the move drew little official reaction. Indeed, it had unforeseen benefits, such as inviting more open expression of public opinion, and the use of the report's findings to advocate for improved conditions.

Exaggerated fears of expulsion and a tenacious adherence to the ideal of neutrality can become alibis in a conspiracy of silence. The dilemma is reduced to an oversimplified choice: public denunciation at the risk of expulsion, or silence at the risk of passive complicity. It was this very point of divergence from the rigid neutrality of the ICRC that inspired the formation of MSF during the Biafran war in 1967. Opposed to the statutory neutrality and silent diplomacy of ICRC, MSF's founders spoke out about the atrocities they had witnessed. Without a vigorous campaign of advocacy, the mobilisation of public opinion, human rights monitoring and information sharing, relief assistance is merely palliative, and indistinguishable from the response to a natural disaster.

Humanitarian neutrality – interpreted to mean not taking sides in hostilities or engaging in political, racial, religious or ideological controversies – in no way justifies a neutral stance towards suffering or the abuse of basic human rights: 'Neutrality cannot be maintained when responding to complex emergencies; it is irresponsible to pretend otherwise … in some instances it would be morally repugnant to remain neutral.' Agencies are beginning to promote a renewed emphasis on the principle of impartiality, which refers to an agency's non-discriminatory stature, where neutrality refers to its non-political stature. Impartiality may prove a more enduring guiding principle for humanitarian action. Impartial assistance is allocated in such a way that it does not discriminate on the basis of nationality, race, ethnicity, religious beliefs, class or political opinions. It is aid given in proportion to need, not as a factor of demographics. The slow death of the word neutrality from the lexicon of beleaguered relief agencies is a welcome evolution. This shameful and dispassionate notion connotes abstention not engagement, abandonment not involvement.

Protest: taking a stand against tyranny

'Silence cannot be a precondition for operational freedom'. So-called 'rebellious humanitarianism' demands that agencies have a responsibility – and a capacity – to influence the political, military and economic context in which they operate. Neutrality can no longer be a silent deal, whereby assistance agencies agree not to interfere with the conflict in exchange for the combatants' agreement not to interfere with the aid effort.

The cloak of neutral positioning masks the reluctance and tentative resolve of assistance agencies to stand up for populations *in extremis*. The hollow rhetoric of neutrality has become an alibi for the timid to shrink from protest. In this regard, it has been conveniently interpreted as a duty to abstain from any action that furthers or disadvantages the position of one side of a conflict over the other. Hence, humanitarian neutrality becomes passive.

To withhold public outcry is heartless. Only an extraordinarily aloof perspective could justify the decision to turn one's back on human misery. This fickle and calculating gesture is an unforgivable act of feigned moral purity. As one aid worker sarcastically puts it, 'the modern relief agency has replaced the principle of neutrality with arrogance'.

When a humanitarian agency is outraged at a particular situation, a rationalised silence is a particularly cruel and uncreative way to react. What is needed instead is a relentless and tenacious engagement by aid agencies that exerts pressure on negligent governments. In the face of

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atrocious and unforgiving situations, we must force local authorities to contend with our irritating presence.

Unaccompanied by action, the silence of international agencies in an abusive context conveys the wrong message, that violations will be tolerated or condoned. A passive, resigned presence not only fails to deter violations of civilians, but also inoculates perpetrators against the presence of international witnesses. Protests must be conspicuous, forceful and courageous.

A new amalgam

The challenge is to address the needs of war-affected people in a principled manner, that is to manage programme activities in a way that upholds humanitarian values, while simultaneously standing up for human rights. The 'protection gap' must be closed. Assistance agencies that conspire in this peculiar segregation of duties – relief versus protection – are failing to meet their moral burden to address the very conditions that demand their services. It is no longer acceptable for the protection of human rights to be either an unwonted or an unwanted aspect of the work of assistance agencies.

As long as the provision of aid is construed as a humanitarian imperative, all other concerns are consigned an inferior status. This imperative becomes the non-negotiable moral absolute, and all other inalienable rights are regarded as secondary. There are practical, proven and effective approaches that aid organisations can successfully include in their field programmes to protect the rights of populations they serve. These include establishing information centres and legal aid services, liaison and 'protective accompaniment' and capacity-building for national NGOs, justice workers and district authorities.

Aid agencies can also pool resources to support technical advisers for protection, human rights focal points and refugee ombudsmen. We must also seek to involve the people we intend to protect. By sensitising affected communities, publishing information bulletins in local dialects and raising awareness, war-affected people can participate in their own protection. A mobilised community is a potent deterrent to human rights violators.

Relief agencies work in settings where the scope and scale of human rights violations demand a deliberate response. Their workers are in direct contact with the effects of human rights abuses. The monitoring of human rights violations, alerting the public and media, training public officials in human rights principles and educating war-affected people about their rights must become a central element of relief assistance interventions.

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Making Protection a Priority: Integrating Protection into Humanitarian Assistance[17]

The changing nature of conflict and humanitarian emergencies has created an increasing need to articulate and prioritize the case for protecting civilians. Civilians, mostly women and children, now comprise 90 percent of all casualties in contemporary armed conflict. Protection is first and foremost the responsibility of states, which, under international law, are obligated to protect those within their territorial boundaries. When a state is unable or unwilling to protect, the international community has a responsibility to step in until such time as the state can re-assume its obligation.

Protection has traditionally been seen as the role of specialized agencies within the international community having a specific protection mandate, namely the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). Given the growing awareness of the magnitude of protection gaps in conflict situations, however, humanitarian non-governmental organizations (NGOs) can play a complementary role in ensuring the dignity and rights of individuals by incorporating a "protection lens" in the provision of humanitarian assistance.

This paper presents the concept of protection as a collective responsibility, while recognizing the mandates of the ICRC and UNHCR. As such, it highlights the ways in which different agencies can bring their diverse mandates, areas of geographic coverage, sources of influence, and tools to bear on protection issues through specific, practical examples of how this may be achieved in complex emergencies.

Building upon the ICRC definition of protection as "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law," this paper provides a holistic framework for responsive action, remedial action, and actions to create an environment that promotes respect for the rights of individuals.

In conflict situations, protection entails more than physical protection from attack since extensive harm often occurs when civilian populations lack access to adequate means of meeting basic needs. By helping to meet basic needs such as those for food, shelter, or basic health services, humanitarian intervention may be a first step in mitigating and preventing further harm. Integrating protection into relief activities does not mean, however, that protection and humanitarian assistance are one and the same. An integrated approach requires extensive attention to policy, threats, risks, community assets, practice, capacity building, and effective monitoring and reporting, among other considerations. Protection cannot be treated as an afterthought and must be included at the start of designing or implementing any assistance.

Humanitarian assistance programs, when designed well and appropriately implemented, can serve to amplify protection. Further, the integration of protection elements can enable humanitarian agencies to achieve their own organizational goals more effectively.

Six specific areas in which protection may be put into practice are identified.

Multi-sectoral Integration: Protection concerns should be considered and inform the design of humanitarian services in sectors such as food, shelter, health, education, and water and sanitation. The way in which humanitarian assistance is provided is critical to increasing protection. For example, water/sanitation teams can consult with women to identify appropriate locations and lighting for latrines; safe access by women to water or cooking fuel can reduce the risk of sexual exploitation; and teachers can provide valuable information on ways to prevent underage military recruitment.

[17] A paper from InterAction's Protection Working Group, April 2004, Executive Summary, www.interaction.org/protection. This paper was produced by members of InterAction's Protection Working Group, whose aim is to enhance the capacity of humanitarian actors in the protection of refugees, internally displaced persons, and civilians affected by conflict. InterAction is the largest alliance of US-based international development and humanitarian nongovernmental organisations. With 160 members operating in every developing country, InterAction works to overcome poverty, exclusion, and suffering by advancing social justice and basic dignity for all.

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Data Collection: Accurate statistics and monitoring of reports according to age and gender are critical to understanding trends, specific risks, and potential solutions. All humanitarian agencies can contribute to enhanced protection by collecting and disaggregating data by age and gender as part of any assessment and by sharing data with those agencies focusing on protection activities.

Capacity Building: Humanitarian staff must be trained in the skills and tools needed to design programs that integrate protection and humanitarian services, prevent exploitation and abuse, identify risks and threats, and take appropriate steps to report violations. Building the capacity of governments and local authorities is also highly important, as they maintain the primary responsibility to protect people within their territory. Donors, too, can build capacity within the international community by identifying and bringing forward best practices, creating venues for the exchange of learning, and ensuring that their grantees pay specific attention to the protection implications of their planned activities as well as include such concerns in their documentation.

Coordination: Protection is often enhanced simply through the presence of international staff. Sectoral and inter-agency coordination should ensure that regular monitoring visits are scheduled to all locations where protection is a priority concern. Agencies should designate protection focal points within their organizations, collect and present protection issues and concerns across sectors, participate in local protection meetings, and provide inputs to the lead protection agencies.

Advocacy: Dialogue and discussion, as well as public statements, may be effective tools to bring about change and enhance protection in any given context. Such choices depend upon the mandate of the agency and the profile of activities within the local environment. Agencies can serve as local voices for encouraging partners to deliver aid in a manner that assists the most vulnerable people. Through these and related activities, agencies may contribute to integrated approaches that help to fulfill a collective responsibility regarding protection and create systems of comprehensive protection that will make human rights a reality.

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Frequently Asked Questions on International Humanitarian, Human Rights and Refugee Law in the Context of Armed Conflict[18]

Introduction

The following is part of a document prepared by the IASC Reference Group on Humanitarian Action and Human Rights as a complement to "Growing the Sheltering Tree", a collection of field practices in promoting and protecting rights by humanitarian actors issued by the Reference Group in September 2002.

The text seeks to respond to questions commonly asked by humanitarian workers on the legal framework that serves as a basis for assistance and protection activities in situations of armed conflict. It sets out the relevant international instruments and offers examples of their provisions and application. This FAQ is an attempt to respond to frequently asked questions on the applicable international law; it does not purport to be a comprehensive statement of the law.

Question 1: What are the sources of international law?

Treaties and rules of customary international law are two of the most important sources of international law.

Treaties are the main source of international law. They are written, legally binding instruments, setting out the rights and obligations of two (bilateral) or more states (multilateral) on a specific issue. Treaties are also commonly designated as: "conventions", "covenants" or "protocols".

Examples of multilateral treaties: The UN Charter, the 1949 Geneva Conventions and their 1977 Additional Protocols, the 1966 International Covenants on Civil and Political and on Economic, Social and Cultural Rights, the 1989 Convention on the Rights of the Child, the 1951 Convention Relating to the Status of Refugees.

Customary international law is also an important source of international law. It consists of unwritten rules, created by practice that is adhered to by states out of a sense of legal obligation (opinio juris). Customary rules are binding on all states, regardless of whether the state has explicitly consented to be bound by the rule involved or whether the rule may also be found in treaty form.

Examples of customary norms: prohibition of slavery, prohibition of torture, prohibition of genocide, prohibition of indiscriminate attacks against the civilian population, prohibition of "refoulement", etc.

'Soft" international law is an important body of non-treaty standards usually adopted within the framework of the United Nations system (declarations, bodies of principles, standard minimum rules, etc.). Although not legally binding, soft law serves to interpret and elaborate treaty provisions and to develop new standards in emerging areas of international law.

Question 2: What is international human rights law?

Human rights are founded on respect for the dignity and worth of each person. International human rights law is a set of international rules, established by treaty or custom, on the basis of which individuals and groups can expect and/or claim certain behavior or benefits from governments. Human rights law therefore places an obligation on states to act in a particular way and prohibits states from engaging in specific activities. An important function of human rights law is to enable individuals and groups to take positive action to redress violations against their internationally recognized rights. Human rights treaties have been developed both internationally, usually under the auspices of the United Nations, or regionally (Organization of American States (OAS), Organization of African Unity (OAU, now the African Union), and the Council of Europe). There is also a vast body of international human rights soft law.

[18] Source: Inter-Agency Standing Committee Reference Group on Humanitarian Action and Human Rights 2002, www.icva.ch, section Protection rights through humanitarian action, Resources.

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Question 3: What is the Universal Declaration of Human Rights?

It is the first human rights instrument developed by the United Nations, adopted in 1948 by the UN General Assembly. Most of its provisions today constitute customary international law.

The Universal Declaration consists of a Preamble and 30 articles, setting out the main civil, cultural, economic, political and social rights to which all persons are entitled, without discrimination of any kind. The rights protected include the right to life, liberty and security of person, freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to seek and enjoy asylum, the right to an adequate standard of living, to education, to work, etc.

Question 4: What are the major international human rights instruments?

The 1948 Universal Declaration of Human Rights is a non-treaty text that has over time been complemented by a series of legally binding international treaties. Among them are:

- The Convention on the Prevention and Punishment of the Crime of Genocide of 1948
- The Convention on the Elimination of All Forms of Racial Discrimination of 1965
- The International Covenant on Civil and Political Rights of 1966
- The International Covenant on Economic, Social and Cultural Rights of 1966
- The Convention on the Elimination of All Forms of Discrimination against Women of 1979
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984
- The Convention on the Rights of the Child of 1989

Question 5: Is human rights law also applicable in armed conflicts?

International human rights law is applicable in all circumstances and at all times, including situations of armed conflict. However, in emergency situations states parties to certain international treaties may exceptionally derogate (temporarily suspend their obligations) from certain civil and political rights under strictly defined circumstances. There are nevertheless certain rights that can never be suspended - not even in war.

The International Covenant on Civil and Political Rights provides that the following rights may never be derogated from:

- the right to life
- the prohibition of torture or cruel, inhuman or degrading treatment or punishment
- the prohibition of slavery and servitude
- the prohibition of retroactive application of criminal law
- the right to freedom of thought, conscience and religion

Most human rights treaties, among them the International Covenant on Economic, Social and Cultural Rights or the Convention on the Rights of the Child, do not provide for the possibility of derogation at all.

Question 6: What is international refugee law?

International refugee law has been developed to protect and assist individuals who have crossed an international border and are at risk or victims of persecution in their country of origin. International refugee law prohibits the forcible return of a refugee to his or her country of origin (the

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principle of non-refoulement) and provides basic human rights guarantees during their stay in the country of asylum.

The non-refoulement principle of international refugee law has received such wide recognition and application that it has reached the status of customary law and is, therefore, binding even on states not party to the 1951 Convention on the Status Relating to Refugees.

Question 7: Who is a "refugee"?

Not everyone crossing an international border qualifies for refugee status. According to Article 1 of the 1951 Convention relating to the Status of Refugees:

A refugee is a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a social group or political opinion, is outside the country of his origin and is unable or unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Complementary legal regimes exist at the regional level. In Africa, according to the 1969 OAU Convention, persons crossing a border for reasons related to the indiscriminate effects of armed conflict or events seriously disturbing public order are also considered refugees. A similar definition is also found in the Cartagena Declaration of 1984, which applies in Latin America.

Refugee protection does not extend to persons who have committed a crime against peace, a war crime or a crime against humanity; a serious non-political crime outside the country of refuge; or acts contrary to the purposes and principles of the United Nations. While, in such situations, refugee law might not be applicable, the protection provided by human rights and humanitarian law remains in place.

Question 8: How is refugee status determined when thousands of civilians are fleeing an armed conflict?

In situations of armed conflict, there are usually massive movements of civilians across international borders, hampering the ability to conduct case-by-case interviews and individual status determination. In those cases, the fleeing civilians might be given protection on a prima facie basis, which means that they are assumed to have fled a situation where civilians are targeted and persecuted en masse.

Question 9: Do non-state actors have obligations under international humanitarian, human rights and refugee law?

The rules of international humanitarian law are binding on both states that have ratified the relevant treaties and on non-state actors (rebel and other armed groups) in a non-international armed conflict. It is obvious that international humanitarian law would be rendered meaningless unless it was applicable to all the parties to an internal armed conflict. Individuals belonging to armed groups - as well as government officials - can be held internationally criminally responsible for war crimes committed in non-international armed conflict.

Human rights law is, primarily, designed to protect individuals from state abuse and is generally not considered to bind non-state actors. There is, however, a growing body of opinion according to which non-state actors - particularly if they exercise government-like functions in a given territory - may also be expected to respect human rights. Under international refugee law and individual may be recognized as a refugee on the ground that s/he has a well-founded fear of persecution by a non-state actor. Members of non-state armed groups- along with government officials - may also be held individually criminally responsible in situations where violations committed constitute crimes under international law (genocide, crimes against humanity). Practice in a number of countries is also increasingly showing that non-state actors, such as rebel groups, can be successfully persuaded to comply with human rights treaties such as the Convention on the Rights of the Child (e.g. on issues such as child soldiers).

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Convention Plus at a Glance[19]

What is Convention Plus?

Convention Plus is an international effort initiated and coordinated by the Office of the United Nations High Commissioner for Refugees (UNHCR). Its aim is to improve refugee protection worldwide and to facilitate the resolution of refugee problems through special multilateral agreements. This will be achieved through a process of discussion and negotiation with states and other partners of the UNHCR to mobilise support and bring about firmer commitments.

Why new tools for refugee protection and durable solutions?

The 1951 Convention and its 1967 Protocol define the responsibilities of states towards refugees. These instruments remain the cornerstone of the international regime for refugee protection.

Despite their continued relevance, the Convention and the Protocol cannot address all the pressing issues pertaining to refugee protection in today's changing world. These include how durable solutions for refugees can be pursued more effectively and how the responsibility for admitting and protecting refugees can best be shared.

For this reason, the UNHCR launched the Convention Plus process. The "Plus" will be "a number of special agreements aimed at managing the refugee challenges of today and tomorrow in a spirit of international cooperation."

What are the tools being developed through Convention Plus?

In the past, the UNHCR has frequently been a party to special agreements with states. Such agreements have generally focused on operational arrangements with governments, often in relation to a particular group of refugees or a specific situation. Most of these agreements have concerned voluntary repatriation operations. Using this experience, the Convention Plus process will broaden the application of special agreements and increase the level of state and other stakeholder involvement.

What areas will these agreements focus on?

The UNHCR will pursue **generic** multilateral agreements to tackle three priority challenges:

- The strategic use of **resettlement** as a tool of protection, a durable solution, and a tangible form of burden-sharing;
- More effective **targeting of development assistance** to support durable solutions for refugees, whether in countries of asylum or upon return home; and
- Clarification of the responsibilities of states in the event of **irregular secondary movements** of refugees and asylum-seekers, that is, when refugees and asylum-seekers move, in an irregular manner, from an initial country of refuge to another country.

These generic agreements will set out shared understandings and commitments that can be relied upon and incorporated into **situation-specific** multilateral agreements designed to resolve a particular refugee situation. The Convention Plus effort will also promote and support the development of these agreements.

How will special multilateral agreements be developed?

The Convention Plus process is chaired by the High Commissioner and co-chaired by the Director of the UNHCR's Department of International Protection. They guide the work of the Convention Plus Unit, which is based at the UNHCR's Headquarters in Geneva. The Unit is responsible for working with states to develop the generic agreements. It will also provide advice and assistance

[19] Source: www.unhcr.ch/cgi-bin/texis/vtx/home?page=search.

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within the UNHCR for the formulation of situation-specific special agreements. The work on generic agreements is currently led by five facilitating states: Canada on resettlement, Denmark and Japan on the targeting of development assistance, and South Africa and Switzerland on irregular secondary movements. Their role, in collaboration with the UNHCR, is to lead the process of crafting special agreements. Each facilitating state coordinates discussions and deliberations with a group of other interested states and ensures that non-governmental organisations have ample opportunity to provide their views. The development of situation-specific special agreements is led by the UNHCR's regional bureaux, with support from the Convention Plus Unit.

Who else will be involved?

Twice a year, the High Commissioner will convene a forum that will be open to member states of the UNHCR's Executive Committee (EXCOM) and observers of its Standing Committee. The High Commissioner may also invite others who can make a positive contribution to the forum. The meetings of the forum will focus on the progress made in the different Convention Plus strands. EXCOM will receive regular updates on the progress of the Convention Plus process and the work of the forum.

What is the role of the UNHCR's country offices?

Convention Plus is an organisation-wide effort. While many of the discussions will, by necessity, take place in Geneva, input and support from UNHCR staff in field locations is essential to encourage active state participation. It is at the field level that the majority of advocacy and liaison work will need to be pursued.

Need more information?

For further information on Convention Plus, including updates on the latest developments, see the Convention Plus website, which can be found under "Protecting Refugees" on the UNHCR's public website (www.unhcr.ch/convention-plus). Additional information can be provided by contacting the Convention Plus Unit directly either by e-mailing durieux@unhcr.ch or fellahi@unhcr.ch, or by calling (41) 22.739.8577 or 8790.

Where do we stand as of 1 March 2005?

Resettlement

The Core Group on the Strategic Use of Resettlement reached agreement on the "Multilateral Framework of Understandings on Resettlement" (MFU) in June 2004. It was subsequently given broader support by the forum when it met on 1 October 2004. In its General Conclusion on International Protection, adopted on 8 October 2004, the UNHCR's Executive Committee welcomed the MFU and encouraged interested states, the UNHCR, and other relevant partners to make full use of it. The consultations in the Core Group that led to the final version of the Multilateral Framework were characterised by a frank and constructive atmosphere. NGOs made a number of important contributions to the text. The purpose of the Multilateral Framework is to guide parties to situation-specific multilateral agreements in designing comprehensive arrangements, involving multilateral resettlement operations, to address the protection and durable solutions needs of refugees. The text of the Multilateral Framework is contained in document FORUM/2004/6 and can be found on the Convention Plus website (www.unhcr.ch/convention-plus). The next step is to put the Multilateral Framework into practice, and planning to this effect is in progress.

Irregular secondary movements

The Core Group for this strand is continuing its work along two mutually supportive tracks. It analyses the reasons for onward movements and how to best address them in a future multilateral framework of understandings, predicated on principles of burden- and responsibility-sharing. In

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tandem, the Core Croup commissioned a survey on movements of Somali refugees and asylum-seekers in selected countries to inform its deliberations.

After the first open meeting of interested states and stakeholders on 16 December 2003, a Core Group was constituted, and two meetings were subsequently held. During these meetings, two UNHCR background documents, entitled "Issues Paper on Addressing Irregular Secondary Movements" and "Basic Propositions on Irregular Secondary Movements", including the comments received from the Core Group, were discussed. During the meeting of 20 September 2004, a number of shared understandings on possible building blocks of a multilateral framework began to emerge. In the deliberations of the Core Group, the notions of burden- and responsibility-sharing were identified as key principles that should guide the work of the Group. A follow-up meeting took place on 24 November 2004 to further discuss these notions, including the underlying human rights principles, how to operationalise[20] these notions, as well as regional experiences in this respect.[21] Two subsequent meetings took place on 31 January and 23 February 2005, during which the Core Group discussed key elements related to irregular secondary movements, i.e., registration, fair and efficient asylum procedure, safe avenues to access protection, the causes of onward movements, and capacity-building initiatives in the area of protection. The next meeting is scheduled for 23 March, during which the Group will start its first reading of a draft Framework of Understandings on addressing irregular secondary movements of refugees and asylum-seekers.

Work on the survey of the scope and causes of movements of Somali refugees and asylum-seekers, as well as state responses thereto, is moving forward thanks to funding commitments from a number of states.[22] The preliminary findings of surveys in Egypt, Ethiopia, Kenya, the Netherlands, South Africa, Switzerland, and Yemen were presented by the Swiss Forum for Migration and Population Studies (SFM) on 23 February 2005. The survey in Djibouti is planned to start in March 2005. The overall comparative analysis is expected to be available in the third quarter of 2005.

Targeting development assistance

In April and June 2004, Denmark and Japan convened meetings of key development aid donors in Geneva, with a view to involving gradually in a Core Group a number of development aid recipients that are also major refugee-hosting countries or countries of origin. At the June meeting, it was agreed that initial efforts would focus on two specific refugee situations, i.e., a cross-border project for Somali refugees/returnees in Ethiopia and Somalia, and the Sudanese refugees in northern Uganda. In early October 2004, a focus group meeting was held on the targeting of development aid for the latter group. Donors, UN agencies, and NGOs participated in the meeting, in which the government of Uganda presented its Self-Reliance/Development Assistance for Refugee Hosting Areas strategy. Following the presentation of the DAR programme at the 2004 UNHCR Executive Committee meetings, the programme was officially launched in Kampala in November 2004 by the government and the UNHCR, with key stakeholders present.

In February 2005, another focus group meeting was held to provide updates on developments in Ehtiopia/Somalia and Uganda with the participation of representatives from the Ethiopian and Ugandan governments.

Beyond these discussions on targeting development assistance in specific situations, the UNHCR prepared a draft "Issues Paper on Targeting of Development Assistance", identifying issues relating to the targeting of development assistance in a Convention Plus context. Since the successful targeting of development assistance also requires the involvement and commitment of a range of actors, the Issues Paper was, as a first step, presented at a meeting with United Nations agencies, the World Bank, the OECD Development Assistance Committee (DAC), major aid donors, and NGOs, hosted by Denmark in Geneva on 22 September 2004. In February 2005, the Issues Paper was discussed with the African Group in Geneva.

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[20] Both documents are available on the UNHCR's website (www.unhcr.ch/convention-plus).
[21] This discussion took place on the basis of a paper presented by Amnesty International on "Human Rights Principles Applicable to Responsibility and Burden-Sharing Arrangements".
[22] Switzerland, the Netherlands, Sweden, Denmark, and Norway.

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In October 2004, the UNHCR finalised a study on ”Poverty Reduction Strategy Papers (PRSPs) – A Displacement Perspective”, assessing the priority given to displacement issues in PRSPs. The study has been shared with all stakeholders, including the World Bank, and will inform the ”Statement of Good Practice” that is foreseen to be presented and discussed at an open meeting in April 2005.

High Commissioner’s Forum

The third meeting of the High Commissioner’s Forum took place on 5 October2004 in Geneva, just prior to the 55th session of EXCOM. In addition to a progress report on Convention Plus and the “Multilateral Framework of Understandings on Resettlement”, the UNHCR’s Africa Bureau presented an information note on preparatory activities for the comprehensive plan of action for Somali refugees. The Convention Plus Unit also submitted a paper entitled “Making comprehensive approaches to resolving refugee problems more systematic”, which outlines a new procedure to analyse, assess, and develop comprehensive plans of action to resolve refugee situations, particularly those that are protracted.

During the course of the meeting, delegations voiced their appreciation for the ongoing work on Convention Plus and the goal to define further multilateral frameworks on the two outstanding strands. Further, the fundamental relationship between each of the strands, which will become evident through the development of comprehensive approaches, was reaffirmed.

All documents submitted to the third meeting of the High Commissioner’s Forum, as well as the annotated order of business, the High Commissioner’s and other personalities’ statements, and the Chairman’s Summary of the meeting, are available on the Convention Plus page of the UNHCR’s public website (www.unhcr.ch/convention-plus).

Other initiatives

Convention Plus is also involved in a number of projects in specific countries that engage host states, donor countries, and other international and national partners in implementing strategies to expand opportunities for durable solutions. Afghanistan Plus, the Preparatory Project for the Somali CPA, and multilateral strengthening protection capacity initiatives are tangible manifestations of the Agenda for Protection in action and the value of a Convention Plus approach.

With regard to strengthening protection capacities, the Strengthening Protection Capacity project, funded by the EC and three co-funding states, is well underway. This project seeks to strengthen the capacity to receive and protect refugees of four African countries: Benin, Burkina Faso, Kenya, and Tanzania. The SPC project is designed to look at protection problems broadly, from the moment of admission until durable solutions are found. It is built around a wide range of possible interventions to strengthen capacity. The selection of the most appropriate approach will be determined through a consultative process involving key stakeholders, including donor governments, host governments, other UN and international partners, NGOs, and refugees themselves.

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Excerpt from the inter-agency stocktaking meeting on humanitarian protection[23]

Introduction

The changing nature of contemporary conflict and experiences such as Rwanda, Kosovo and most recently, Darfur, have given rise to a heightened awareness by the international community around protection needs in humanitarian crises, which has resulted in a number of important protection-related initiatives being undertaken by humanitarian agencies over the past decade. The following overview, while not exhaustive, represents an inventory of activities and resources that have been taken forward both through collaborative or interagency efforts and by individual organisations.

This exercise is not an evaluation or analysis of the effectiveness of the initiatives, but a review of what has gone before and what is currently in place. The paper is divided into four sections: I) an overview of initiatives of international organisations, interagency bodies, donor agencies, and non-governmental organisations; II) a listing of protection tools and resources; IV) a brief description of existing training programmes and opportunities and IV) a sampling of the literature on protection. This review is meant to promote reflection and discussion around the various approaches to protection and to help identify existing gaps in meeting the needs of refugees, internally displaced persons and civilians affected by armed conflict.

Defining Protection

'Protection' is a concept that has many different faces and has not been conclusively defined. It also involves a diversity of actors and approaches. Appropriate protection measures depend on the circumstances and stages of a particular conflict … Relevant activities may include the delivery of humanitarian assistance; the monitoring and recording of violations of international humanitarian and human rights law, and reporting these violations to those responsible and other decision-makers; institution-building, governance and development programmes; and, ultimately, the deployment of peacekeeping troops. The scope of protection has grown in the last decade in an effort to meet the challenges of contemporary war. --Mark Bowden, UN OCHA

This quote taken from a 2002 interview on the protection of civilians in armed conflict illustrates the dynamic and expansive nature of protection in today's world. **As there has been extensive discussion regarding the definition of protection, it may be useful to include here a note on the ways in which members of the international community are currently choosing to understand and describe protection. Terms such as 'legal protection,' 'effective protection,' 'humanitarian protection,' and 'human security' are all now part of the vernacular and are indicative of the breadth and multi-faceted applications of protection approaches.**

Even for those agencies with mandated protection functions, namely the United Nations High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR) and the International Confederation of the Red Cross (ICRC), the definition originally derived from relevant international instruments may have broadened over the years as the nature of war and displacement has changed. According to UNHCR's 2003 Global Appeal for example: **"UNHCR's international protection function, as derived from its Statutes and the 1951 Convention relating to the Status of Refugees, has evolved steadily over the past five decades. It began almost as a surrogate for consular and diplomatic protection and has now expanded to include ensuring the basic rights of refugees and their physical safety and security."**

[23] *Taking stock, An inventory of protection initiatives and activities*, The inter-agency stocktaking meeting on humanitarian protection, October 29 2004. The full report is available from ICVA web site:

http://www.icva.ch/cgi-bin/browse.pl?doc=doc00001272

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Comprehensive discussions around the definition of protection have taken place in a number of fora including a series of ICRC-led workshops on protection (1996-2000) as well as UNHCR's Global Consultations on International Protection (1999-2001). The definition adopted at the 1999 ICRC Workshop--"The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights law, international law, refugee law)."- is widely accepted today. The Inter-agency Standing Committee (IASC), which refers to this definition in many of its protection-related documents and policies, has described it as: "… comprehensive in scope, both in terms of the legal framework for protection - "full respect" - and in terms of the strategies and methods by which protection may be achieved - "all activities." Other initiatives, such as the ALNAP Guidebook on Humanitarian Protection, also **recognise** this definition and apply the ICRC "egg model" of the three key elements of protection-responsive action, remedial action, and environment-building-in their approaches.

Individual organisations and programmes have adopted their own understanding of protection to frame their activities. Human rights organisations that have traditionally focused on civil and political rights are giving attention to economic, social and cultural rights as well in their protection efforts. The Norwegian Refugee Council in its training around the Guiding Principles on Internal Displacement offers this description: "Protection needs are those relating to ensuring that basic human rights are respected, in other words, protecting the physical, material and mental security of all individuals, including internally displaced persons." The Reach Out Training Project on refugee protection puts forward the idea that protection "… relates to activities which safeguard the physical and legal security of a refugee based on international refugee and human rights law."

The United Nations Children's Fund (UNICEF) defines the concept of protection as "ensuring respect for the rights expressed the Convention on the Rights of the Child and uses the term 'child protection' to refer to protection from violence, exploitation, abuse and neglect. The InterAction Protection Working group, comprising a number of non-governmental humanitarian organisations, has come to agreement that: "Protection consists of insuring the fulfilment of basic human rights and enabling human well-being particularly for vulnerable people, such as women, children and displaced people. Protection includes reducing physical, emotional and social risks; supporting emotional and social well-being; providing equal access to basic services and promoting the rights and dignity of individuals, families groups and communities."

The task for this stocktaking workshop is not to re-define protection or to reach a consensus around a particular definition. Rather, it is to examine how the approaches and initiatives currently in place are meeting the challenges alluded to in these definitions.

Section I: An Overview of Initiatives around Protection

Recent years have witnessed a dramatic increase in the number of collaborative and organisational initiatives around protection, in part, perhaps, as a result of the increasing recognition that the scope of existing protection needs and concerns exceed the capacity of any one organisation. A broad range of actors, including both mandated and non-mandated agencies, are currently engaged in protection activities in an attempt to address issues around the protection of conflict-affected populations. While a wide-range of programmes and initiatives is included here, the following list should not be seen as exhaustive. Rather, it is meant to suggest the scope, breadth, and diversity of both recent and ongoing protection initiatives.

1. The International Committee of the Red Cross

Custodian and promoter of International Humanitarian Law (IHL), the International Committee of the Red Cross (ICRC) has also an exclusive mission "to protect the lives and dignity of victims of war and internal violence and provide them with assistance." The ICRC has been the center of numerous initiatives around protection for civilians and other persons who have not taken part or are no longer taking part in hostilities or violence. Protection is deeply rooted in ICRC history and traditional activities. The ICRC constantly emphasises that protection and assistance are closely interlinked. It pays particular care that all its activities keep a protection concern or in other words

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are protection-driven. The ICRC's protection work aims at ensuring respect for individuals' rights, notably relating to the well-being and dignity of civilians and other persons affected by armed conflicts and internal violence. It covers a wide range of activities within the ICRC, including:

- Training/promoting awareness and education with regard to IHL and basic humanitarian standards. This includes technical cooperation and programmes particularly targeting armed forces, police and other arms carriers, students, National Red Cross/Red Crescent Societies and the civil society at large; implementing mine action and mine awareness programmes.
- Negotiating and having access to civilians, the sick/injured and vulnerable groups-elderly, women, unaccompanied children, IDPs, etc.-in armed conflicts and other situations of internal violence, monitoring their situation and welfare, making confidential representations to the relevant authorities to ensure their proper treatment according to IHL and other relevant bodies of law. These efforts are complemented, in particular when the authorities do not fulfil their obligations under IHL to ensure that the basic needs of those affected by conflict or violence are met, by assistance activities (direct medical activities, surgery, support to existing medical structures, rehabilitation of amputees, food and seed distributions and other economic security endeavours, water provision and related activities, provisions of shelters, etc.) which are carried out on the basis of the needs directly assessed.
- Monitoring the living conditions and treatment of persons deprived of their liberty and striving for the full respect of IHL and other relevant bodies of law through visits to the places of detention, imprisonment and internment and confidential representations to the concerned authorities. These activities aim at preventing or putting an end to disappearances, torture and other forms of cruel, inhuman and degrading treatment, and ensuring adequate conditions of living. The ICRC focuses on persons held for security reasons and/or are protected by the Geneva Conventions. Additionally, as prisons infrastructure has deteriorated in different contexts worldwide, the ICRC has sometimes become involved with the conditions and treatment of those hold under common law.
- Ensuring the possibility for separated families due to conflict, internal violence and other hardships to re-establish and maintain family links and communicate between themselves. This also includes tracing relatives unaccounted for or missing, and recognizing and ensuring the right of families to know about the fate of their missing relatives. Concretely, the work also includes the registration and individual follow up of vulnerable persons and other persons in need of this service, such as separated, unaccompanied, demobilised children, IDPs, etc., the organizing of exchange of family news through various means (in particular Red Cross/Red Crescent family messages, but also mobile phones or internet), the active work of tracing relatives and organizing family reunions.
- Taking various initiatives as a specifically neutral and independent organisation and intermediary, including promoting or facilitating humanitarian agreements, to address humanitarian problems and if needed to take away affected persons from the hazards of armed conflict.

Primarily, ICRC assumes its endeavours around protection through persuasion and the active, yet discreet, encouragement of authorities to fulfil their responsibilities under IHL and other relevant bodies of law. When needed, it uses also mobilization, multilateral diplomacy and denunciation or public relations. In addition to these ongoing efforts to ensure the protection of civilians and other persons who have not or no longer take part in hostilities or violence caught in settings of armed conflict, the ICRC has undertaken a number of capacity building programmes (i.e. workshops for prison staff, etc.) to enhance authorities' capacity to implement their responsibilities in the protection field.

In 1996, the ICRC initiated a series of Protection Workshops to discuss ways to better meet the protection needs of civilians in contexts of armed conflict through humanitarian activities and operations. Over the course of four years, representatives from around 50 humanitarian and human rights organisations met to discuss such topics as the meaning of the term "protection,"

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principles upon which humanitarian work is based, consequences of operational choices, and how to enhance complementarity between the work of different organisations.

In 2001, the ICRC published Strengthening Protection in War: A Search for Professional Standards, a summary of the deliberations of the protection workshops. With contributions from nearly 50 different organisations, the volume aims to promote shared principles and practices and raise the levels of professionalism and effectiveness within organisations engaged in protection activities.

Based on the discussions at the series of protection workshops, the ICRC also developed a series of practice-oriented seminars for experienced humanitarian professionals on protection of civilians in armed conflict. The Ecogia Protection Seminars aim to enhance the understanding of humanitarian practitioners of the protection dimension of humanitarian work and improve the protection of civilians in conflict. The ICRC is currently developing plans to organize decentralized protection seminars, which would adapt the content of the Ecogia Protection Seminars to regions and contexts and would target primarily national NGOs and local representatives of international NGOs and UN agencies.

The ICRC has also undertaken specific initiatives around the protection of particular vulnerable groups affected by armed conflict, including the internally displaced, refugees, and women. In 2000, the ICRC drafted the document "Internally Displaced Persons: The Mandate and Role of the International Committee of the Red Cross," outlining the institution's role and responsibilities in providing protection and assistance to the internally displaced and identifying current challenges for the agency in doing so.

The following year, ICRC issued a paper entitled, "The ICRC's Policy on Refugees and Internally Displaced Civilians." This document outlines the evolution of the ICRC's role in providing protection and assistance to refugees and IDPs, while also describing the current role of the agency in responding to refugee and IDP crises vis-à-vis other mandated agencies.

Over the last three years, the ICRC has developed a number of guidelines and handbooks on protection related issues. In October 2001, the ICRC published Women Facing War, a study of the impact of armed conflict on women. The extensive study aims to identify the principle needs of women in situations of armed conflict and analyse the ICRC's response to those needs where appropriate to the institution's mandate, with the goal to raise awareness of the problems women face in armed conflict and ensure the realization of their protection. The study outlines the experiences of women in war and conflict, the inadequacy of their protection and assistance, and their roles in protecting themselves and other vulnerable groups.

The ICRC published Addressing the Needs of Women Affected by Armed Conflict: An ICRC Guidance Document in 2004 to build on Women Facing War. This guidance document provides policymakers and practitioners with recommendations for practical steps to ensure appropriate protection and assistance for women affected by war and conflict, based on good practices and lessons learned in the field.

Additional ICRC guidelines and handbooks include: ICRC Report: The Missing and their Families (2003), Guidance on addressing the Needs of Women Affected by Armed Conflicts (2004), Inter-Agency Guiding Principles on Unaccompanied and Separated Children (2004) (edited jointly with the International Rescue Committee, Save the Children-UK, UNICEF, UNHCR and World Vision International).

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Defining Refugee Protection

The following definitions from the ICRC and ALNAP apply to the protection of all individuals, while the definition from the UNHCR specifically targets refugee protection.

According to the ICRC

Protection is defined according to its purpose and its activities.

The purpose of protection is defined as:

"The concept of protection encompasses all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law).

"Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language, gender etc."[24]

According to ALNAP

ALNAP endorses this definition, which was agreed by a number of humanitarian and human rights organisations. They further explain that:

"This understanding of protection means that humanitarian work is as much about ensuring respect for international humanitarian and human rights norms as it is about giving aid… This is why we have dug wells and lobbied governments at the same time, provided food aid and educated soldiers on humanitarian law, vaccinated children and reported abuses they have suffered.[25]

Protection activity is defined as:

Any activity – consistent with the above-mentioned purpose – aimed at creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution, or rehabilitation.

Protection is thus composed of three types of activity:

- Responsive action: prevention, stopping, and alleviating effects;
- Remedial action: restoring people's dignity;
- Environment-building action: creating and/or consolidating an environment conducive to full respect for the rights of the individual.

According to the UNHCR

Its concept of the refugee protection function **at the institutional level** is that:

"UNHCR's international protection function, as derived from its Statutes and the 1951 Convention relating to the Status of Refugees, has evolved steadily over the past five decades. It began almost as a surrogate for consular and diplomatic protection and has now expanded to include ensuring the basic rights of refugees and their physical safety and security."

[24] Sylvie Giossi Caverzasio, *Strengthening protection in war: a search for professional standards*, International Committee of the Red Cross, Geneva 2001.
[25] Hugo Slim and Luis Enrique Eguren, *Humanitarian Protection: A Guidance Booklet*, Active Learning Network for Accountability and Performance in Humanitarian Action, 2004, p. 21.

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The UNHCR also says in terms of a definition that:

"The phrase 'international protection' covers the gamut of activities through which refugees' rights are secured".

These rights are defined in a number of international instruments, including the 1951 UN Refugee Convention, the UDHR, the International Convention on the Elimination of All Forms of Racial Discrimination, the ICCPR, the IESCR, the UN Convention on the Elimination of All Forms of Discrimination against Women, the CAT, and the CRC.

Refugee protection includes ensuring that the rights of refugees, as articulated in these international instruments and as further defined in conclusions, guidelines, policies, etc., are met.

At present, the UNHCR working definition of protection is:

"Protection encompasses all activities aimed at ensuring the enjoyment, on equal terms of the rights of women, men, girls and boys of concern to UNHCR in accordance with the letter and spirit of the relevant bodies of law (international humanitarian, human rights and refugee law). It includes interventions by States or UNHCR on behalf of asylum-seekers and refugees to ensure that their rights, security, and welfare are recognized and safeguarded in accordance with international standards. Such interventions will, amongst others, be deemed to: ensuring respect for the principle of non-refoulement; promoting admission to safety and access to fair procedures for the determination of refugee status; upholding humane standards of treatment; realizing the right to assistance and services; promoting non-discrimination, and the implementation of durable solutions."[26]

Understanding who has responsibility for protecting refugees is key to understanding refugee protection at its most practical level:

- The primary responsibility for protecting refugees rests with states.
- States should work together to resolve the cause of refugee flows and to share responsibility for protecting refugees.
- UN agencies, with the UNHCR as the lead, engage in a range of protection activities. This work is also done to varying degrees by other UN actors, including the WFP, UNICEF, the WHO, the UNDP, and the UNHCHR.
- Other important actors include the IOM, the ICRC, the IFRC, and NGOs.

Whilst not all of these actors are specifically mandated to provide protection to refugees, they are often committed to providing protection. This means that they are engaged in activities that are based on respect for human rights.

Some humanitarian NGOs are concerned that, by participating in protection activities, they risk their neutrality and that this will jeopardise their effectiveness, their security, and their ability to do their work. Whilst this may be a valid concern in some situations, **it is important to remember that humanitarian actions are based on respect for human rights and should also serve to defend those rights.** It is clear that protecting refugees is a shared responsibility and that all of the above actors will be engaged in different, and hopefully complementary, refugee protection activities.

[26] *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, Department of International Protection, Office of the United Nations High Commissioner for Refugees, 2002.

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Glossary of Refugee Protection Terms[27]

This **glossary** of straightforward explanations of commonly used refugee protection terms and concepts is intended to be given as a handout to workshop participants. It draws heavily on the Amnesty International Glossary that is used in training on refugee protection. It is not exhaustive and should be supplemented by reference to the web sites that are provided as a separate handout. In the glossary, the symbols ▲ and ▼ refer the reader to explanations that can be found elsewhere in the glossary.

Agenda for Protection

The Agenda for Protection is the product of the Global Consultation process that culminated in 2001. The Agenda reflects a wide cross section of concerns and recommendations of states, intergovernmental organisations, non-governmental organisations (NGOs), as well as refugees themselves, in refugee protection. The Agenda focuses on suggested activities that would strengthen international protection of asylum-seekers and refugees and improve implementation of the 1951 Convention and its 1967 Protocol. For more information about the Agenda for Protection, see UNGA document A/AC.96/965/Add.1, 26 June 2002, and check the UNHCR web site.

Asylum

This is normally used to mean the admission of refugees to a country where they are given protection against *refoulement* and allowed to reside for as long as necessary for their own safety.

The **UDHR** explicitly provides for the right to **seek and enjoy** asylum; but international refugee law makes no explicit provision for the right **to be granted** asylum, as this is not a right that states have been willing to recognise. States have, however, recognised in numerous international instruments and in **international customary law** ▼ the principle of **non-refoulement** ▼.

Asylum procedure (also called refugee status determination procedure)

The procedures under which the authorities examine a particular person's asylum request. Such procedures vary greatly from one country to another, but there are a number of principles, based on international standards, that are considered essential for all states' asylum procedures to comply with to ensure that they are fair.

Asylum-seeker

Normally, the term *asylum-seeker* is used to denote those who have not yet been formally recognised as **refugees** ▼ but who are seeking asylum. A person does not need to have formally lodged an application for asylum in order to be considered an asylum-seeker. The term can be applied to anyone who fears return to the country they have fled because they would be at risk of human rights violations and are in need of protection.

If no determination of refugee status has been made in a particular case, it must be assumed that any asylum-seeker may be a refugee and so must be protected from **refoulement** ▼. In other words, the *non-refoulement* principle applies to all asylum-seekers unless their asylum request has been thoroughly examined in a fair and satisfactory **asylum procedure** ▲, which has established they are not a refugee.

[27] The Reach Out project would like to thank and credit the International Secretariat of Amnesty International for most of the materials used in this glossary. Amnesty International's Refugee Program can be contacted through their general website at www.amnesty.org.

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UNHCR Handbook, para 28

A person is a refugee within the meaning of the 1951 Convention as soon as he fulfills the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. **Recognition of his refugee status does not therefore make him a refugee but declares him to be one**. He does not become a refugee because of recognition, but is recognised because he is a refugee.

Every refugee is, initially, also an asylum-seeker. Therefore, to protect refugees, asylum-seekers must be treated on the assumption that they may be refugees until their status has been determined.

- **UNHCR: Fair and expeditious asylum procedures** (November 1994)

Depending on the context, this term may also be used in a looser sense, to include asylum-seekers and recognised refugees, or the terms "asylum-seeker" and "refugee" may be used more or less interchangeably.

Convention Plus process

Convention Plus is an international effort initiated and coordinated by the Office of the United Nations High Commissioner for Refugees (UNHCR). Its aim is to improve refugee protection worldwide and to facilitate the resolution of refugee problems through special multilateral agreements. This is to be achieved through a process of discussion and negotiation with states and other UNHCR partners to mobilise support and bring about firmer commitments.

The United Nations High Commissioner for Refugees launched the Convention Plus process to address the pressing issues pertaining to refugee protection in today's changing world. Under the Convention Plus process, the UNHCR will pursue **generic** multilateral agreements to tackle three priority challenges:

- The strategic use of **resettlement** as a tool of protection, a durable solution, and a tangible form of burden-sharing;
- More effective **targeting of development assistance** to support durable solutions for refugees, whether in countries of asylum or upon return home; and
- Clarification of the responsibilities of states in the event of **irregular secondary movements** of refugees and asylum-seekers, that is, when refugees and asylum-seekers move, in an irregular manner, from an initial country of refuge to another country.

Refer to the UNHCR web site for regular updates on the progress of the Convention Plus process.

Convention refugee

A person who has been found to meet the criteria of the 1951 Refugee Convention.

Country of origin

The country from which a particular asylum-seeker has fled and/or to which they fear to return because of the risk of human rights violations. In this sense, the term need not necessarily refer to the asylum-seeker's actual country of birth: it could be their country of former habitual residence or any country to which they might be compelled to return.

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Customary international law

A principle of customary international law is characterised by two essential features: (a) customary practice by states; and (b) a perception by states that they are obliged to comply with the custom. The principle of **non refoulement** is generally considered to be a norm of customary international law.

Detention

International standards provide that, as a general rule, asylum-seekers and refugees should not be detained. In some instances, detention of asylum-seekers and refugees might also amount to **arbitrary detention**.

Detention, arbitrary

Detention may be arbitrary under international human rights law even if it conforms with national law, e.g., if a person is detained for exercising a right protected by international law (such as freedom of expression).

For detention of asylum-seekers to be lawful and not arbitrary, it must comply not only with the applicable national law but also with Article 31 of the Convention and international law.

- **UNHCR Guidelines on Detention**, para 5

Durable solutions

There are three durable solutions to the problem of international refugee protection. These solutions are based on the premise that the international community as a whole has a shared responsibility for protecting refugees. The three solutions are **voluntary repatriation** to the country of origin, **resettlement** in another country, and **local integration** in the country of first asylum.

Effective and durable protection

Protection against **refoulement** needs to be effective in practice and to persist for as long as the risk to the individual in their country of origin lasts. Therefore, in calling for states to comply with their obligations under the principle of **non-refoulement**, states are asked to confer effective and durable protection on those who would risk serious human rights abuses if they were to return to their country of origin.

EXCOM

See UNHCR EXCOM

Exclusion

The 1951 Refugee Convention, in Article 1, Sections D, E, and F, contains provisions whereby persons otherwise having the characteristics of refugees are excluded from international protection as refugees. These provisions are commonly known as the “exclusion clauses”. Those who are excludable under these provisions fall into three groups: those already receiving UN protection or assistance (Article 1D); those not considered to be in need of international protection (Article 1E); and those not considered to be deserving of international protection (Article 1F).

First country of asylum

This term is used to describe the first country where an asylum-seeker arrives and seeks asylum after fleeing their country of origin (see, in this connection, local integration).

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Global consultations

At an unprecedented international conference in Geneva in December 2001, the international community reaffirmed its commitment to the 1951 Refugee Convention. The talks were part of the UNHCR's Global Consultations process involving governments, non-governmental organisations, other groups, and experts that continued into 2002. One of the key outcomes of the Global Consultation is the Agenda for Protection, which includes a series of activities that will serve as a guide in strengthening refugee protection in years to come. The Global Consultations produced a number of important documents that survey many current refugee protection issues. These can be found on the UNHCR website under a general keyword search for "Global Consultations".

Group protection/*prima facie* recognition

In situations of **mass arrival/influx** ▾, when people are fleeing as a result of civil wars and other forms of general violence, and where a presumption can be made that all those fleeing are doing so for similar reasons and are in similar need of protection, the authorities in host countries may make a determination that all members of the group are in need of immediate assistance and protection against *refoulement,* without having to make individual determinations of claims of asylum (see also **temporary protection** ▾).

Host country (or host state)

A term used to describe the country where an asylum-seeker has been granted, or is seeking, protection.

Internally displaced

Internally displaced persons are defined by the UN as follows:

> [P]ersons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border
>
> - **UN Guiding Principles on Internal Displacement**

The key human rights of internally displaced people that need protection are: the right to freedom of movement within a state, including the right to flee (including to other countries if necessary) from areas where their lives, security, or freedom are threatened; the right not to be forcibly returned to such areas; the right to return to their homes should they wish to do so; and prohibitions on acts causing forcible displacement. These and other rights of the internally displaced are set out in the **UN Guiding Principles on Internal Displacement** (E/CN.4/1998/53/Add.2; 11 February 1998).

International solidarity (also called international responsibility-sharing)

In the preamble of the **1951 Refugee Convention,** it is recognised that the "grant of asylum might place unduly heavy burdens on certain countries, and ... a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation." This aspect of international cooperation and solidarity is repeated in numerous EXCOM conclusions relating to international protection. The concept of international solidarity is based on the logic that governments normally protect their citizens, assuring them their right to life, freedom, and physical security. When governments are unable or unwilling to do so, and individual human rights are violated, people are forced to flee to another country. Since, by definition, refugees are not protected by their governments, the international community steps in to ensure the individual's rights and physical safety.

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Local integration

One of the three **durable solutions** ▲, the long-term or permanent settlement of refugees in the asylum country where they presently are.

Mandate refugee

Normally used to describe a refugee recognised under the mandate of the **UNHCR** ▼ .

Mass arrival/influx

Normally, people who apply for asylum need to establish their need for international protection by undergoing an individual **refugee status determination procedure** ▲. However, in cases of sudden, mass flight, the need to provide assistance and protection is often extremely urgent and, for purely practical reasons, it may not be possible to carry out individual status determinations. Particularly when it appears that all members of a group are fleeing for similar reasons, it may be appropriate to declare "group determination" of refugee status, whereby each member of the group is regarded as a refugee in the absence of any evidence to the contrary (see also **temporary protection** ▼, **group protection** ▲).

Non-refoulement

Whilst states have not recognised a right to asylum, states have recognised in numerous international instruments and in **customary international law** ▲ the principle of *non-refoulement* towards individuals who fulfil the definition of "**refugee**"▼ in the **1951 Refugee Convention** or who would be at risk of serious human rights violations if sent to a particular country or countries. This obligation is owed by states not only towards the individual concerned but towards the international community, which has recognised its own collective responsibility for the protection of refugees (see also **refoulement** ▼).

It must be assumed that any asylum-seeker may be a refugee, and so must be protected from return to a country where she or he may be at risk. In other words, the *non-refoulement* principle applies to all asylum-seekers unless their asylum request has been thoroughly examined in a fair and satisfactory refugee determination procedure which has established that the person concerned is not in fact a refugee.

Peremptory norm

This term frequently arises in refugee law to refer to the principle of **non-refoulement** ▲. It is used to describe a norm of international law that may not be breached even if some other law appears to permit this. This is also sometimes called *jus cogens.*

Refoulement

This term is not found in most dictionaries, although it has, by continual usage, become an accepted legal term relating to refugees and asylum-seekers. In treaty law, it appears in the English version of Article 33 of the **1951 Refugee Convention** ("No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever ..."). (**Note:** in addition to the concept of compulsion (against a person's will), the term also contains the concept of return to a country where the person concerned will be at risk.)

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Refugee

In its strict sense, the term may be used to refer to people who have been recognised or given some form of refugee status by the UNHCR or by the state concerned (see also **Convention refugee** ▲). In a more general sense, it may be used to refer to people who, even though not formally recognised as such, are so obviously at risk of persecution that there is little doubt they would be so recognised if they were to undergo a refugee determination procedure.

It may alternatively be used in a generic sense also to include asylum-seekers since it must be assumed that any asylum-seeker with a *prima facie* claim may in fact be a refugee. That is, recognition of a person's refugee status is simply a recognition of their existing situation – they do not become a refugee when they are formally recognised as such. Thus, the recognition of refugee status is often said to be "declaratory", not "constitutive" (see also **asylum-seeker** ▲).

Refugee Convention: the 1951 Refugee Convention and 1967 Protocol (1951 Convention relating to the Status of Refugees) (1967 Protocol relating to the Status of Refugees)

The 1951 Refugee Convention was drawn up in the period following the Second World War, in the immediate political context of the large numbers of people displaced in the war and/or fleeing from the states of Eastern Europe to Western Europe. The refugee definition in Article 1A(2) included a specific dateline insofar as it stated that the persecution envisaged in the definition should be "as a result of events occurring before 1 January 1951". Article 1B(1) of the Convention also permitted states to limit their own obligations under Article 1A(2) to events occurring in Europe before that date. By the 1960s, this provision had become an anachronism, and the **1967 Protocol** to the Convention was adopted, which eliminated these limitations to the refugee definition.

Refugee status determination procedure

See **asylum procedure** ▲

Refugee status

States that are party to the **1951 Refugee Convention** usually have some kind of procedure for giving formal recognition (status) to people whom they recognise as falling within the refugee definition set out in the Convention. The consequences of this vary from one country to another, although in most countries refugee status is a legal status conferring all the rights in the **1951 Refugee Convention.** Once granted, refugee status cannot easily be withdrawn and therefore serves in most instances as effective protection against *refoulement*.

In many countries, provision is made for asylum-seekers regarded as falling outside the strict refugee definition of the 1951 Refugee Convention but who might otherwise be at risk of serious human rights violations as a result of war or serious civil disturbance if returned to be granted some other status that provides protection against *refoulement*, even though it may not provide all the rights accorded to those granted full refugee status.

Resettlement

Is one of the **durable solutions** ▲. Refugees are resettled from a **country of first asylum** ▲ in the interests of **international responsibility-sharing** ▲ in order to provide longer-term stability for those who have been forced to flee. When a refugee is resettled, they are accorded legal status in accordance with the immigration law of the country of resettlement.

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Temporary protection: (see also mass arrival/influx ▲, group protection ▲)

Temporary protection has been proposed to meet emergency refugee influxes in many host countries, when people are fleeing as a result of civil wars and other forms of general violence, and where a presumption can be made that all those fleeing are doing so for similar reasons and are in similar need of protection. This enables the authorities in host countries to make a determination that all members of the group are in need of immediate assistance and protection against *refoulement,* without having to make individual determinations of claims of asylum. However, those granted temporary protection are sometimes not granted all the legal and social rights of refugees (such as welfare payments, education, or the right to work), even though many of them would in fact qualify for refugee status if individual determinations were to be made. Accordingly, such temporary forms of protection should not be prolonged, and once the immediate crisis is past, steps must be taken to ensure a **durable solution** ▲.

UDHR (Universal Declaration of Human Rights) The UDHR articulates the right to seek asylum in Article 14:

> **Article 14(1):** Everyone has the right to seek and to enjoy in other countries asylum from persecution.

More generally, like other general human rights instruments, the UDHR is relevant in defining the concept of "persecution" in international refugee law.

UNHCR

The UN High Commissioner for Refugees (UNHCR) was established in 1950 as a humanitarian and non-political organisation that deals with, and attempts to find solutions for, the problems of refugees. The UNHCR's Statute details two facets of its work: providing international protection for refugees and seeking permanent solutions for their problems. The **UNHCR's Statute** defines a refugee in almost exactly the same terms as the **1951 Refugee Convention**. Over the years, however, it has been asked by the international community to take responsibility for groups of refugees who fall outside that original definition. In practice, therefore, the definition applied by the UNHCR when recognising refugees under its mandate is wider than the definition as written in the Statute. The UNHCR also has, in recent years, begun to assist people who are **internally displaced** ▲.

UNHCR EXCOM

The Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR EXCOM) is an intergovernmental body comprising representatives of over 50 states from all regions of the world. It meets in full session once a year, with a standing committee that meets in Geneva from time to time in between its annual meetings. At its annual meetings, it adopts **UNHCR EXCOM conclusions** on various specific aspects of refugee protection that are intended to guide the UNHCR and state actions on behalf of refugees. Several of these conclusions are specifically addressed to states, indicating clearly that the EXCOM's role has moved beyond its original role of simply advising the High Commissioner.

While EXCOM conclusions do not create binding obligations on states in the same way as formal treaties, they are intended to guide state practice and, having being agreed to by states, in most cases by consensus, through a formal negotiation process, they amount to authoritative international standards. According to the UNHCR, these conclusions "lay down and further develop basic standards for refugee protection". (**Note:** Article 35 of the 1951 Convention obliges states parties "to cooperate with [the UNHCR] in ... supervising the application of the provisions of [the] Convention". Such cooperation should, at a minimum, include observing the provisions set out in conclusions of the UNHCR Executive Committee.)

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UNHCR Handbook (Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees):

The UNHCR Handbook was issued in 1979 in response to a request made to UNHCR in 1977 by Conclusion No. 8 of the UNHCR Excom. The Handbook is intended to guide government officials and officials concerned with assessing asylum-seekers' claims for refugee status and is an invaluable guide to the interpretation of the refugee definition in the 1951 Refugee Convention.

Although not legally binding on governments in the same sense as treaty law, most governments would consider themselves bound to follow the guidance in the UNHCR Handbook. Indeed, in the case of states parties to the **1951 Refugee Convention,** it can be argued that adherence to the guidance in the UNHCR Handbook is an essential component of "[cooperation] with UNHCR in the exercise of its functions" required under Article 35.

Voluntary repatriation

This is one of the three **durable solutions** ▲ to the situation of refugees. It was traditionally thought of as the final stage in the process of return to normal conditions in a country, and it often occurred after peace and stability had been restored. In the present day, however, large-scale returns are more likely to occur in the course of this stabilisation process, and it is generally recognised that returning refugees play an important part in rebuilding the societies from which they have been forced to flee. Because the process of repatriation often takes place before the situation in the country of origin/return is fully stabilised, it is important to ensure that the process of repatriation is truly voluntary. This means that there should be no “push” or “pull” factors established to encourage return. It also means that all individuals should have an opportunity, before making a decision whether to return, to obtain information about the conditions in the country concerned, and they should have an opportunity to assert their right not to return. Measures should be taken to ensure that all refugees who return under a voluntary repatriation programme can do in safety and dignity.

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Reaching Out on the Internet

As the internet has become an invaluable tool for information-sharing, communication, and research, we have gathered below a non-exhaustive list of web sites providing key texts and resources that can help to shed light on broader refugee-related issues. You are invited to visit the Reach Out web site at: www.reachout.ch/.

Refugees and other forcibly displaced persons

www.unhcr.ch

Created by the UN in 1950, the UNHCR is dedicated to protecting and providing assistance to the world's refugees.

The site contains information about the UNHCR; map- and text-based access to country-specific information regarding refugee situations; UNHCR news; articles on various refugee issues; and publications, including back issues of *Refugees* magazine, as well as other general publications. The site offers access to REFWORLD, a database containing official documents of the UNHCR and other UN agencies, country and legal information, and basic reference materials.

www.iom.int

The International Organisation for Migration (IOM) assists states and individuals in their attempt to resolve migration problems through humanitarian, migration for development, and technical cooperation programmes.

The site offers extensive information about the organisation, as well as migration-related publications, reports, and news releases, etc.

www.jesref.org/

The Jesuit Refugee Service (JRS) is an international Catholic organisation, at work in over 40 countries, with a mission to accompany, serve, and defend the rights of refugees and forcibly displaced people.

The site contains information about the JRS, publications, reports, field studies, and special features on displaced women and Sri Lanka.

www.nrc.no/engindex.htm

The Norwegian Refugee Council (NRC) is an NGO engaged in refugee protection and assistance. It works closely with the UNHCR and the Norwegian Ministry of Foreign Affairs.

The site provides a global IDP database that is constantly updated, training materials, publications, and reports. www.idpproject.org

www.refugees.org

The US Committee for Refugees (USCR) is a non-profit organisation dedicated to defending the rights of refugees, asylum-seekers, and displaced persons worldwide.

The site gives information on the USCR's most recent publications, including the *World Refugee Survey*, an annual publication on worldwide refugee affairs that reports on conditions for refugees and displaced persons.

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II. Humanitarian assistance

www.alnap.org

The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) is an international, interagency forum working to improve learning, accountability and performance across the humanitarian sector. ALNAP provides information on training, theory and practice, and humanitarian law, and it is a useful site for current information on humanitarian protection and assistance.

www.care.org

Care is one of the world's largest international development and relief organisations that is involved in emergency relief, water and sanitation, AIDS prevention, primary health and food security. The site contains general information on Care's activities: education, emergency relief, food security, and public health, etc. It also offers access to country profiles, publications, and statistics.

www.catholicrelief.org

Catholic Relief Services (CRS) was founded by the Catholic Bishops of the United States to assist the poor and disadvantaged outside the country; gives assistance based on need, regardless of creed, race, or nationality to people in more than 80 countries around the world (emergency response, agriculture, community health, peace-building, AIDS, etc.). The site contains information on the CRS's activities and a newsroom on various humanitarian issues around the world.

www.hapinternational.org

The Humanitarian Accountability Project (HAP-I) is a partnership of member agencies that share a commitment to making humanitarian action accountable to its intended beneficiaries. HAP-I members seek to comply with HAP-I's seven principles of accountability through self-regulation and accreditation. They also share a vision of a humanitarian system at large that upholds these ideals. HAP-I is an information and analysis provider for the humanitarian sector. Its objective is to improve operational practice.

www.odihpn.org

The Humanitarian Practice Network (HPN, formerly the Relief & Rehabilitation Network) is an information and analysis provider for the humanitarian sector. Its objective is to improve operational practice. The site provides useful information on various humanitarian issues, as well publications, humanitarian guidelines, and book reviews.

www.interaction.org

InterAction (IA) is a coalition of more than 165 non-profit US-based organisations working to promote human dignity and development. The site provides information on humanitarian conditions in a given country, refugee facts, publications, and links to other refugee-related sites.

www.icrc.org

The International Committee of the Red Cross (ICRC) aims to protect and assist the victims of armed conflict and internal violence. The site contains extensive information on the ICRC's mission, history, and mandate. Weekly ICRC news and press releases may be viewed by date, country, or subject. A photo gallery can be consulted.

www.ifrc.org

The International Federation of the Red Cross and Red Crescent Societies (IFRC) is a large humanitarian network engaged in disaster preparedness, community development, capacity-building of national societies, refugee camp management, and the promotion of humanitarian values in general. The site contains news releases; weekly news reports; information bulletins focusing on recent disasters; publications, including the *World Disaster Report,* which focuses on humanitarian response and disaster relief; analytical essays; tables; and statistics.

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www.theirc.org

The International Rescue Committee (IRC) is the leading voluntary organisation providing relief, protection, and resettlement services for refugees and victims of oppression or violent conflict. The site offers an online annual report, fact sheets, and information on the IRC's emergency response programmes, categorised by region.

www.msf.org

Médecins Sans Frontières (MSF) is a private, non-profit, international humanitarian organisation, whose objective is to deliver medical assistance to populations in crisis. The site provides general information about the organisation's history, mandate, and contact information. In addition, a photo gallery, a short list of publications, and special reports are available.

www.oxfam.org

Oxfam is a development and relief agency dedicated to the alleviation of poverty worldwide. The site contains information about its history, its operations, detailed information on its ongoing projects and activities, and policy papers on current issues of concern.

www.reliefweb.int

ReliefWeb is a UN project designed to strengthen the response of the humanitarian relief community through dissemination, preparedness, and disaster response. The site contains links to background country information; the "Emergency: section includes extensive information on ongoing emergencies and crises around the world.

www.savethechildren.org

Save the Children (SCF) is committed to fighting poverty, discrimination, protecting children from war and famine, and defending the rights of children at the global level. The site provides an overview of the functions of the organisation and its specific achievements in different countries. See especially the materials on the Action for the Rights of Children, which is an extremely useful training package.

www.sphereproject.org

Sphere is based on two core beliefs: first, that all possible steps should be taken to alleviate human suffering arising out of calamity and conflict; and second, that those affected by disaster have a right to life with dignity and therefore a right to assistance. Sphere is three things: a handbook, a broad process of collaboration, and an expression of commitment to quality and accountability. The project has developed several tools, the key one being the handbook. It also includes a number of current items on field practice and training and is a key source of materials on protection.

www.wcc-coe.org

The World Council of Churches (WCC) is an international fellowship of Christian churches built upon the foundation of encounters, dialogue, and collaboration.

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III. Human rights

www.amnesty.org

Amnesty International (AI), the world's largest human rights organisation, is concerned with the international protection of human rights. It seeks to release prisoners of conscience, works for fair and prompt trials for all political prisoners, and opposes death penalty and other cruel and inhuman treatment. The site contains extensive information on HR violations, campaign reports, country reports listed by year and continent, and news releases.

www.crin.org

The Child Rights Information Network (CRIN) is a global network of children's rights organisations seeking to support the exchange of information about children and their rights. The network supports and promotes the implementation of the UN Convention on the Rights of the Child and assists organisations in gathering, handling, and disseminating child rights information. The site provides information on CRIN, its mandate and initiatives, as well as the Child right Information Database.

www.yale.edu/lawweb/avalon/diana/index.html

The DIANA Human Rights Database is an electronic human rights library established in memory of the late Yale law librarian, Diana Vincent-Daviss. The site provides a comprehensive global source of human rights materials: international human rights treaties and conventions; charters, documents, and procedures of regional human rights regimes; jurisprudence of human rights decision-making bodies, etc.

www.fidh.org

The International Federation of Human Rights (FIDH) was the first international organisation established to defend human rights. It conducts missions to investigate human rights violations, to observe judicial processes, and for training purposes. The site contains background information on the FIDH's projects and publications. In addition, it offers links to the most important human rights conventions and other human rights resources on the web.

www.hrw.org

Human Rights Watch (HRW) aims to protect the human rights of people around the word. It investigates human rights violations and challenges governments to end abusive practices and respect humanitarian laws. The site provides extensive information on its activities, research projects, and campaigns.

www.lchr.org

The Lawyers Committee for Human Rights (LCHR) works to protect and promote fundamental human rights. Its focus is on building the legal institutions and structures necessary for appropriate human rights practices. The site contains press releases and country information, book-length reports, position papers, and responses on a wide variety of human rights topics.

www.unicef.org

The United Nations Children's Fund (UNICEF) was established in 1946 by the General Assembly to advocate and work for the protection of children's rights. It is the only UN agency committed exclusively to the well-being of children, and it is guided by the Convention on the Rights of the Child in carrying out its mission. The site offers descriptions of its mission and programmes and publications related to the rights of the child.

www.unhchr.ch

The mission of the United Nations High Commissioner for Human Rights (UNHCHR) mission is to ensure the universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the UN. The site provides background information about the UNHCHR, its organisational structure, programme budget, and selected statements. The publication section includes fact sheets, reference materials, and human rights study series.

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www.womenscommission.org

The Women's Commission for Refugee Women & Children is an expert resource and advocacy organisation that monitors the care and protection of refugee women and children. It speaks out on issues of concern to refugee and displaced women, children and adolescents, who have a critical perspective in bringing about change but who often do not have access to governments and policy-makers. The site contains various information on the organisation, reports, and advocacy actions taken in favour of women and children.

IV. International relations & area studies

www.brook.edu

The Brookings Institution is a private, independent, non-profit organisation that seeks to increase the nation's understanding of contemporary issues of governance and policy. The site contains background information on the Institution's history, objectives, and activities, as well as publications.

www.un.org

The United Nations' web site provides general information about the UN, including briefing papers, employment opportunities, and UN/NGO relations, as well as information on conferences and events.

www.icva.ch

The International Council of Voluntary Agencies (ICVA) functions as an advocacy network, adding value to the work of the non-governmental organisations that form its membership. It ensures that NGO networks are involved and informed and facilitates a real policy for implementation partnership between NGOs and international agencies. The site provides information about the ICVA and its members access to its newsletter, *Talk Back*; and a calendar of events. In addition, publications and issues are made available online.

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Bibliography

The following list of documents and readings does not purport to be either comprehensive or authoritative. It is a provisional list of publications relating to protection issues in situations of forcible displacement. There is an abundance of material available on the web; for links to the key web sites, please refer to the Handout "Reaching Out on the Web".

This bibliography is arranged by key organisations that provide practical information on refugee protection.

The United Nations

The UN Charter

San Francisco: Governments of the United Nations 1945

The document that established and governs the conduct of the United Nations and that also established and still governs the:

- General Assembly
- Security Council
- Economic and Social Council (ECOSOC)
- A Trusteeship Council
- The International Court of Justice
- The Secretariat of the UN

The Universal Declaration of Human Rights

New York: UN 1948

The first international statement to use the term human rights. It is short and worth reading in its entirety – a summary would be about as long as the document itself. Should be on the desk of, and used by, every humanitarian practitioner as a checklist.

A Summary of United Nations Agreements on Human Rights

New York: UN 1997 (www.hrweb.org/legal/undocs.html)

A brief summary of the principal international human rights legislation.

Contents:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention against Torture
- Convention against Genocide
- The Geneva Conventions
- Convention on the Rights of the Child
- Convention on the Elimination of Discrimination against Women
- Charter of the United Nations

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UNHCR - United Nations High Commissioner for Refugees

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol

Geneva: United Nations 1951 & 1967

The Convention containing the definition of refugees and their rights, as well as mandating the High Commissioner.

Handbook for Emergencies - second edition

Geneva: UNHCR 2000

This revised and updated handbook provides useful guidance in coping with displacement. It stresses the importance of pre-emergency planning, as well as planning throughout every stage of the crisis. It focuses on setting coordination priorities, as well as contingency and operational planning. It contains a wealth of detail to enable these processes to be accomplished successfully.

Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees

Geneva: UNHCR 1992

This Handbook is meant for the guidance of government officials concerned with the determination of refugee status in the various contracting states. It is hoped that it will also be of interest and use to all those concerned with refugee problems.

Practical Guide to the Systematic Use of Standards and Indicators in UNHCR Operations

Geneva: UNHCR January 2004

This Guide builds on the set of core indicators for refugee emergencies developed in the UNHCR's Emergency Handbook. The Guide lists a core set of 52 standards and indicators, covering both emergency and protracted displacement situations. This Guide was developed to serve as a practical manual and reference tool for UNHCR staff and managers in the field, as well as for implementing and operational partners involved in programme management.

Refugee Children: Guidelines on Protection and Care

Geneva: UNHCR 1994

These guidelines define the goals and objectives, the principles and practical measures for the protection and assistance of refugee children. This is not a practical manual. By contrast, these guidelines will help you solve problems by pointing out things to keep in mind.

Protecting Refugees: A Field Guide for NGOs

Geneva: UNHCR 1999

This Field Guide is intended to be used by NGO (and Red Cross/Red Crescent) field staff who work with refugees and displaced persons. It offers both basic legal information about international protection for refugees and practical guidance for including protection measures in all field operations.

UNHCR web and Refworld

Geneva: 2004 as a CD-ROM and at www.unhcr.ch

The UNHCR's Refworld 2004 collection on CD-ROM allows easy access to reliable and up-to-date information related to refugees and human rights. It has been referred to as a "refugee encyclopaedia", as it contains documents ranging from background country reports to legal position papers, guidelines, and statistics. The information has been collected not only from the UNHCR's global network of field offices but also from governments, non-governmental organisations, academic institutions, and judicial bodies in order to facilitate the work of decision-makers, analysts, human rights activists, and academics.

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You can get access to the following documents either from Refworld or on the website. Additional notes have not been provided as the content is self-evident:

- Agenda for Protection, Geneva, 2003.
- Implementation of the 1951 Convention and 1967 Protocol.
- Code of Conduct, Office of the United Nations High Commissioner for Refugees, 2002, www.unhcr.md/article/co_con.htm.
- *Guidelines for Educational Assistance to Refugees*, Office of the United Nations High Commissioner for Refugees, Geneva 1995.
- *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, Office of the United Nations High Commissioner for Refugees, Geneva 1997.
- *Guidelines on Protection of Refugee Women*, Office of the United Nations High Commissioner for Refugees, Geneva 1991.
- *Handbook for Emergencies*, second edition, Office of the United Nations High Commissioner for Refugees, Geneva 2000.
- *Handbook for Registration: Procedures and Standards for Registration, Population Data Management and Documentation*, Office of the United Nations High Commissioner for Refugees, Geneva 2003 (provisional release).
- *Health, Food and Nutrition Toolkit*, Office of the United Nations High Commissioner for Refugees, Geneva 2001
- *Project Planning in UNHCR: A Practical Guide on the Use of Objectives, Outputs and Indicators for UNHCR Staff and Implementing Partners,* (known as the "Blue Guide"), second edition, Office of the United Nations High Commissioner for Refugees, Geneva 2002.
- *Refugee Children: Guidelines on Protection and Care*, Office of the United Nations High Commissioner for Refugees, Geneva 1994.
- *Refugee Emergencies: A Community-Based Approach, Community Service Guidelines*, Office of the United Nations High Commissioner for Refugees, Geneva 1996.
- *Registration: A Practical Guide for Field Staff*, Office of the United Nations High Commissioner for Refugees, Geneva 2003.
- *Reproductive Health in Refugee Situations, an Inter-Agency Field Manual*, Office of the United Nations High Commissioner for Refugees, Geneva 1999.
- *Resettlement Handbook*, revised edition, Office of the United Nations High Commissioner for Refugees, Geneva 2002.
- *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, Office of the United Nations High Commissioner for Refugees, Geneva 2003.
- Situation Analysis in UNHCR and the accompanying Situation Analysis Template, Geneva, forthcoming 2004.
- *Guidelines for HIV Interventions in Emergency Settings*, UNHCR, WHO, and UNAIDS, Geneva 1996.
- *Working with Unaccompanied Children: A Community-Based Approach: Community Service guidelines*, Office of the United Nations High Commissioner for Refugees, Geneva 1996.

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ALNAP

Humanitarian Protection, A Guidance Book

Oxford: ALNAP, 2004

This book takes a helpful approach in marrying humanitarian protection and assistance with human rights-based concepts of protection. It is particularly useful to humanitarian workers grappling with their protection responsibilities in difficult assistance contexts.

Inter-Agency Stocktaking Meeting on Humanitarian Protection

Oxford: ALNAP, 2004

This paper is the report of a meeting organised by ALNAP, the ICVA, and InterAction that was attended by many of the leading humanitarian assistance agencies. It is a helpful reflection on the challenges in refugee protection as seen through the experiences of humanitarian agencies leaders.

Inter-Agency Standing Committee

Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action

Geneva: IASC, 2002 (published by UNICEF on behalf of IASC)

This is a collection of field practices on humanitarian assistance and protection from around the world. It sees assistance and protection as two sides of the same coin and provides the reader with abundant examples of how the humanitarian worker can promote and protect rights through their work.

International Federation of Red Cross and Red Crescent Societies

Handbook for Delegates

Geneva: International Federation 1997

Includes a brief but succinct introduction as to how the Federation addresses population movement issues (see pages 790/804)

Working with Refugees and Asylum Seekers

Geneva: League of Red Cross and Red Crescent Societies 1991

A handbook produced in response to an expressed need of national societies in the developed world as a training tool for both staff and volunteers who are concerned – in many cases for the first time – with work with and for refugees and asylum-seekers.

Guide for Planning Operations for Refugees, Displaced Persons and Returnees From Emergency Response to Solutions

Geneva: International Federation 1993

This guide is destined for Red Cross and Red Crescent societies' senior management, as well as for programme staff directly involved in planning and implementing operations that benefit refugees, displaced persons, and returnees. It is also designed for heads of delegations and relief/development delegates serving as a reference and training document.

Final report of the Regional Seminar on Population Movements & Migration addressing health, social welfare and other humanitarian issues

Kuala Lumpur: International Federation Delegation for SE Asia 2000

Report on a seminar organised to sensitise senior social welfare/health officers of national societies in the region to the humanitarian aspects of migration and population movement within and between countries and the needs of vulnerable groups amongst migrants.

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Code of Conduct for the International Red Cross and Red Crescent Movement and Non Governmental Organisations (NGOs) in Disaster Relief

Geneva: International Federation

Seeks to guard standards of behaviour and to maintain high standards of independence and effectiveness to which disaster response NGOs and the International Red Cross and Red Crescent movement aspire.

International Committee of the Red Cross/International Federation of Red Cross and Red Crescent Societies

Handbook of the International Red Cross and Red Crescent Movement

Geneva: ICRC/International Federation 1994

A compilation of the principles and rules directing the activities of the movement and a practical guide to all those interested in the life of the Red Cross/Red Crescent, including international humanitarian law, conventions and international agreements, statutes and regulations.

Agreement on the Organisation of the International Activities of the Components of the International Red Cross and Red Cross Movement - Seville Agreement

Seville: ICRC/International Federation 1997

This agreement is more than an instrument of operational management or a statement of understanding. It sets in motion a profound change in attitude between members of the same movement: the adoption of a collaborative spirit.

International Committee of the Red Cross

Workshop on Protection for Human Rights and Humanitarian Organizations: Doing Something About It and Doing it Well (Report of the Workshop)

Geneva: ICRC, 1999.

Restoring FAMILY Links

A guide for National Red Cross and Red Crescent societies

Geneva: ICRC Central Tracing Agency and Protection Division 2000

A guide written for national societies and, more specifically, for heads of tracing services. It describes and seeks to promote across the entire International Red Cross and Red Crescent movement a common approach to responding effectively to the loss of family contact as a result of conflict, natural disaster, or other situations with a humanitarian impact.

OCHA - Office for the Coordination of Humanitarian Affairs

The Guiding Principles on Internal Displacement

Geneva: OCHA 1998

Addresses the specific needs of internally displaced persons worldwide, identifying rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement, as well as during return or resettlement or integration.

Handbook for applying the Guiding Principles on Internal Displacement

Geneva: OCHA/Brookings Institution 1999

Prepared to provide practical guidance to field staff on how to implement the Guiding Principles. It explains the Guiding Principles beginning with general principles and then identifying which principles apply to which specific needs that arise in the field.

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Manual on Field Practice in Internal Displacement

Geneva: OCHA /IASC Working Group

Examples from UN and other organisations (including Red Cross/Red Crescent) of field-based initiatives supporting internally displaced persons.

OXFAM

The Oxfam Handbook of Development and Relief

Oxford: Oxfam 1995 (reprinted in 1998)

This Handbook is the expression of Oxfam's fundamental principles: that all people have the right to an equitable share in the world's resources and the right to make decisions about their own development. The denial of such rights is at the heart of poverty and suffering. A comprehensive work of reference for development practitioners and planners, for policy-makers and social analysts, and for teachers and students of development. The Handbook analyses policy, procedure, and practice in fields as diverse as health, human rights, emergency relief, capacity-building, and agricultural production. Published in three volumes.

Norwegian Refugee Council/Earthscan

Internally Displaced People
A Global Survey

London: Earthscan 1998

A compilation of papers dealing with (Part I) Issues and Perspectives and (Part II) Regional Profiles – excellent background to the issue of internal displacement

RedR

Engineering in Emergencies

A practical guide for relief workers (revised edition)

London: IT Publications on behalf of RedR 2001

The purpose of this book is to increase the effectiveness with which engineers and other relief workers can provide humanitarian assistance during an emergency. The book provides practical information relevant to the practitioner in the field with a minimum of supporting theoretical background.

Sphere

Humanitarian Charter and Minimum Standards in Disaster Response

Geneva: The Sphere Project 1998 and updated in 2004.

Meeting essential human needs and restoring life with dignity are core principles that should inform humanitarian action. Through the Humanitarian Charter and Minimum Standards in Disaster Response, defined levels of service in water supply, sanitation, nutrition, food aid, shelter, sight planning, and health care are linked explicitly to fundamental human rights and humanitarian principles.

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Additional reading & resources[28]

Anderson, M.B., Do No Harm: How Aid Can Support Peace - or War, (Boulder: Lynne Rienner, 1999)

An examination of the impact that international humanitarian and development assistance programmes have had on war-torn societies, in particular the ways that assistance can inadvertently reinforce divisions within communities and further contribute to conflict. Calling for a redesign of international aid programmes in conflict-affected societies, Anderson cites examples of creative approaches to the provision of international assistance that support the processes through which communities are able to disengage from war. *Do No Harm* is published by Lynne Rienner Publishers and can be ordered at the following website:
www.rienner.com/viewbook.cfm?BOOKID=88&search=do%20no%20harm

Darcy, J., "Human Rights and International Legal Standards: What do Relief Workers Need to Know?" Relief and Rehabilitation Network Paper 19, Overseas Development Institute, London, 1997

This paper presents humanitarian action in the context of the international human rights framework and calls for the recognition of humanitarian protection and assistance as "humanitarian rights". It concludes with a set of recommendations, including a call for the inclusion of an assessment of protection needs in all humanitarian needs assessments. "Human Rights and International Legal Standards" is available online at:
www.odi.org.uk/pppg/activities/concepts_analysis/rightsinaction/Publications/networkpaperNo19.pdf

ICRC, Strengthening Protection in War: A Search for Professional Standards, (Geneva: International Committee of the Red Cross, 2001), ed. Sylvie Giossi Caverzasio

Presenting the results of a series of ICRC workshops around the protection of civilians in armed conflict and situations of internal violence, this book aims to promote the sharing of principles and practices around protection and to raise the professionalism and efficacy of agencies engaged in activities around protection. *Strengthening Protection in War* is published by the ICRC and can be ordered at the following website:

www.icrc.org/Web/eng/siteeng0.nsf/iwpList125/C751BDF4EDB54F30C1256C5A0052C899

Inter-Agency Standing Committee, Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action, (Geneva: Inter-Agency Standing Committee, 2002

Arguing that the protection of human rights is fundamental to the general effectiveness of humanitarian assistance, this publication provides a collection of field practices that incorporate a rights-based approach to humanitarian assistance programmes. Following a general discussion of protection, it presents a series of sample practices collected from a variety of national and international non-governmental organisations and government agencies from field studies in Afghanistan, Kosovo, Sierra Leone, and Sudan. *Growing the Sheltering Tree* is available online at:
www.unicef.org/publications/index_4397.html

Inter-Agency Standing Committee, "Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises," 2002

This report identifies factors in humanitarian crises that contribute to the occurrence of sexual exploitation and abuse and gaps within the existing international humanitarian system in the area of protection against sexual exploitation and abuse. It provides a plan of action that identifies the "essential actions" for the international humanitarian community to take to more effectively prevent and respond to sexual exploitation and abuse in humanitarian crises. The "Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises" is available online at: www.unicef.org/emerg/IASCTFReport.pdf

[28] A paper from InterAction's Protection Working Group, April 2004, www.interaction.org/protection.

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Paul, D., "Protection in Practice: Field Level Strategies for Protecting Civilians from Deliberate Harm," Relief and Rehabilitation Network Paper 30, Overseas Development Institute, London, 1999

This paper maintains that international organisations can enhance protection in areas where violations occur. The paper discusses the concept of protection and offers extensive examples of field-level strategies and tactics that have been used to prevent or mitigate abuses. It suggests appointing a "focal point" agency in each emergency that will seek to coordinate the protection effort. "Protection in Practice" is available online at: www.odihpn.org/report.asp?ID=2118

Slim, Hugo and Louis Enrique Eguren, "Humanitarian Protection: A Guidance Booklet," ALNAP, 2004

This booklet serves as a general guide for individuals managing any form of humanitarian response that includes protection. It describes the ideas behind humanitarian protection, identifies the fundamentals of basic protection-focused programming and offers guidance on how to monitor and evaluate humanitarian action and its results in protection terms. "Humanitarian Protection" is available online at: www.alnap.org/pubs/pdfs/protectionbooklet3.pdf

UNHCR, Protecting Refugees: A Field Guide for NGOs, (Geneva: UNHCR, 1999)

Intended for use by NGO field staff working with refugees and displaced persons, this guide offers practical steps as well as basic legal information regarding protection in all field operations. The guide describes how NGOs can assist the displaced through various phases of their lives as refugees and pays specific attention to the unique needs of women, children, IDPs, older refugees, and stateless persons. The checklists included in the guide provide recommendations for action and response. *Protecting Refugees: A Field Guide for NGOs* is available online at: www.unhcr.ch/

UNHCR, Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response, (Geneva: UNHCR, 2003)

This guide is intended for use by staff of the UNHCR, UN agencies, inter-governmental organisations, and host government agencies. It outlines the various types, causes, and consequences of sexual and gender-based violence (SGBV) and introduces a framework for the prevention of, and response to, SGBV. The framework is based on a multi-sectoral and collaborative approach and requires full engagement and involvement of the refugee community. *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* is available online at: www.unhcr.ch

UNHCR, Refugee Children: Guidelines on Protection and Care, (Geneva: UNHCR, 1994)

Created for UNHCR staff and operational partners, the guidelines suggest various protection measures in such areas as health and nutrition, psychosocial well-being, and the prevention and treatment of disabilities, and they outline specific actions for the protection of refugee children from abuse, exploitation, and military recruitment. The operational framework integrates assistance to children into regular protection and assistance activities for the wider population and outlines specific standards, policies, and operational guidelines to ensure the protection and well-being of refugee children. *Refugee Children: Guidelines on Protection and Care* is available online at: www.unhcr.ch

UNHCR, Guidelines on the Protection of Refugee Women, (Geneva: UNHCR, 1991)

This document outlines specific protection issues, problems, and risks facing refugee women and suggests specific examples for the improvement of protection activities and for the prevention of violations against women refugees. *Guidelines on the Protection of Refugee Women* is available online at: www.unhcr.ch

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Facilitator's Toolkit

Action for the Rights of Children (ARC)

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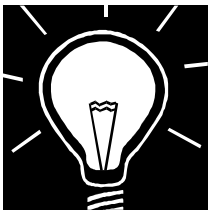
This Facilitator's Toolkit was adapted from the original designed by Action for the Rights of Children (ARC). Reach Out <www.reachout.ch> wishes to thank ARC for making the toolkit available to the Project.



Using The Facilitator's Toolkit

The Toolkit has been produced as a resource for people who will be facilitating training. It can be read alone as a basic introduction to facilitating training.

The content of the Toolkit is divided across several topics that broadly cover the following issues:

- Principles of learning;
- Guidance on preparing for training;
- Guidance on how to use the participatory training methods;
- Guidance on the writing and production of handouts and overhead projections;
- Suggestions for evaluating training.

If you are an experienced trainer or facilitator, then you could use the Toolkit as a reference tool or as support material to update your current practice.

If you are new to training or lack experience in facilitating learning, then you might find it useful to read all of the Toolkit and then use it as a support document to assist you in planning and carrying out your training.

Acknowledgements

A number of key documents were drawn upon to produce this toolkit, including:

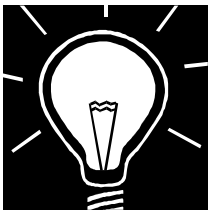
Tim Pickles, *Toolkit for Trainers*, Pavilion, Brighton 1995.

CMA Training Skills Pack, Community Media Association, London 1995.

"A Strategy for Enhanced Staff Development (Draft)", Office of the United Nations High Commissioner for Refugees, Geneva 2000.

We are grateful for the use of these materials and particularly recommend the *Toolkit for Trainers* as a good extended resource if you want more in-depth information.

The authors are also grateful for the support provided by various people in preparing this material, including Ailsa Masterton, Nirveen Chotai, and Pamela Baxter.



Topic 1
Principles of Learning

HOW ADULTS LEARN

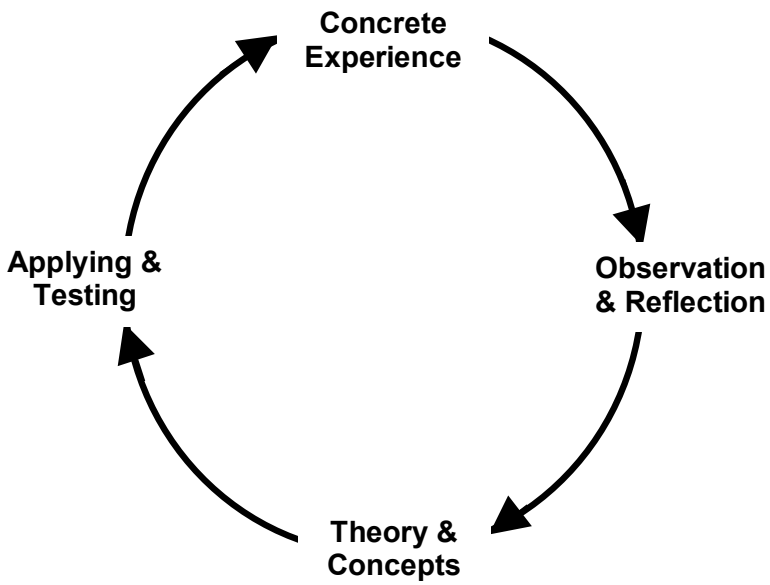
The learning process is fundamental to training. It is therefore vital that the facilitator have a basic understanding of the process in order to assess the most effective approach to training for a given situation.

In general terms, research on how adults learn most effectively shows that training tends to be more successful when:

- Participants have been involved in defining, or refining, their own learning objectives;
- The content is focused on real problems faced by the participants;
- Training is undertaken in a varied and participatory environment.

This thinking underpins one of the standard models of training, known as the learning cycle, illustrated in the diagram below. Developed by David Kolb, it draws a close link between doing and learning. The learning cycle involves experiencing, observing, thinking, and applying.

Learning Cycle (David Kolb)



N.B. This learning cycle is also presented in **Handout 1.1**.

Reflection occurs based on experience, and conclusions involving new ideas are formulated. These are then used to generate new experiences, starting the process again. Kolb's learning cycle includes both inductive learning and deductive learning:

- **Inductive learning** means experiencing and drawing conclusions from experience;
- **Deductive learning** starts with a principle or rule and applies it to a situation.

It is the inclusion of both forms of learning within the cycle that makes it so powerful.

In developing the methodology for these Resource Packs, this model of experiential learning has been a guiding principle. Facilitators using these Resource Packs should continually check back to ensure that their own methodology reflects this process.

DEFINING LEARNING

It is useful to have a working definition of learning for the purposes of this Toolkit. One that has proved useful is:

Learning is a relatively permanent change in behaviour that occurs as a result of practice or experience.

Training should therefore be a process for providing directed practice and experience for the purposes of encouraging learning. Two points to consider:

First, it is from the learner's behaviour that we get signs of the reaction that participants are having, and therefore, the learning that might be occurring.

The second point is that, because learning occurs through practice and experience, the facilitator has a significant role in enabling learning to occur. An ineffective training activity can even produce in the participants feelings of doubt and inadequacy regarding the subject, so the facilitator must plan the training carefully to minimise these unintended outcomes.

A LEARNING ORGANISATION

The notion of a learning organisation assumes that, in order to remain competitive, organisations must continue to learn. Indeed, their survival is contingent on adaptation through learning. In private enterprise, business success depends on this. In public enterprise, operational effectiveness is the goal. Three concepts are necessary to ensure a learning organisation.

1. All **staff** constantly develop and improve their own competencies through ongoing learning activities. Personal learning plans should be the result of discussions between staff and their supervisor(s). Nevertheless, the primary onus on learning rests with the individual staff member.
2. **Teams** and workgroups are the motor for the achievement of results and positive change in the organisation. To be effective, teams must constantly learn and generate new ideas. As a corollary to this, teams provide the best environment to encourage learning amongst team members.

3. The **organisation** is constantly learning from its experiences, identifying best practice and, as a result, improving its organisational effectiveness. This is often referred to as “knowledge management”.

By reinforcing learning at these three levels, staff development becomes both a catalyst and vehicle for organisational change. Learning activities should become a means through which the organisation can convey positive and consistent organisational policy messages.

TRAINING APPROACHES

On-the-job training

There are several options including traditional one-to-one" training, small group training, coaching, mentoring, and using training materials or packs.

Considerations: The transfer of learning is likely to be high, as the training occurs close to the workplace. On-the-job training can be very cost-effective, but it is a mistake to assume that it will always be the cheapest once all the costs have been considered. Nor is the environment always ideal for learning. An important consideration is the availability of a suitable trainer amongst existing managers or workers. However, because the trainee is carrying out the job whilst learning, the impact can be high.

In-house experience

This involves a variety of techniques, including visits and placements in other parts of the organisation, research or planning projects, action learning sets, problem-solving groups, or quality circles and mentoring.

Considerations: The close relationship of the learning to the workplace is an advantage, and the costs and the need for additional resources are low. It can also use aspects of task-based learning that might not otherwise be considered, or normally employed, in training. As with on-the-job training, the skill and ability of the trainers (or tutors) is crucial. If this type of training is to be used, an appropriate tutor development programme may be useful.

In-house courses

The training may consist of single (or multi-day) workshops or a series of related workshops that build up general learning or a range of required skills, knowledge, and attitudes.

Considerations: It is more efficient and cost-effective to run a programme in-house if there is a large group to be trained because the content and process can be focused more precisely on the needs of the participants. In addition, staff can be used as trainers and tutors, which can both reduce costs and act as a staff development tool.

External courses

There are two basic types: the short course (or workshop) and the longer (usually part-time) course that often leads to a qualification.

Considerations: This option is more outward-looking. It allows workers to discuss problems and issues with others and obtain insights that might not be freely available inside the organisation. It is probably the most cost-effective option where only a small number require training. The selection process is important if one wants to maximise the return from this option. In selecting a workshop or

course, the closeness of the training objectives, methods, style, and venue to the criteria established by Training Needs Analysis (see **Topic 2**) will improve the effectiveness of the training.

The following table presents some of the available learning options and is reproduced in **Handout 1.2**.

Learning Type	Learning Options
Certification *Confirmation*	Assessment centres Analysis of benchmarks Tests/examinations
Sharing *Reinforcement*	Workshops Seminars Networking Video conferencing
Independent Application *Skills*	On-the-job training Task-based training Missions and assignments Action learning
1 on 1 *Skills & Knowledge*	Guided missions and assignments Coaching Shadowing Mentoring Guided/structured reading
Self-Study *Knowledge*	Reading Videos Computer-based training (CD-ROM, Intranet, Internet) Distance-learning courses External study
Orientation *Awareness*	Workshop/seminar Video CD-ROM

(Source: "A Strategy for Enhanced Staff Development (Draft)", Office of the United Nations High Commissioner for Refugees, Geneva 2000.)

These learning options have been grouped to demonstrate that, for different objectives, there are different methods. Learning is most effective when a mix of methods is used and when clear analysis leads to the selection of the best method for each stage and purpose of learning.

THE LEARNING CLIMATE

An important role of the facilitator is to ensure that s/he creates the best possible learning climate. For this to happen, seven important characteristics have to exist.

(1) Participants must want to learn.

(2) The content and process must be relevant and in context for the learner.

(3) Practice of the material or ideas must be an integral part of the training.

(4) Participants must translate ideas into their own words, allowing ownership of the learning.

(5) There must be a sense of creative tension formed in which people find a variety of ways to develop their learning.

(6) Participants must have an expectation that the learning will make their work more effective.

(7) Participants must have an expectation that the learning experience will be fun and positive.

The facilitator is responsible for creating a physical and psychological environment in which the participants can work and learn. For there to be a good climate, the following factors must be present:

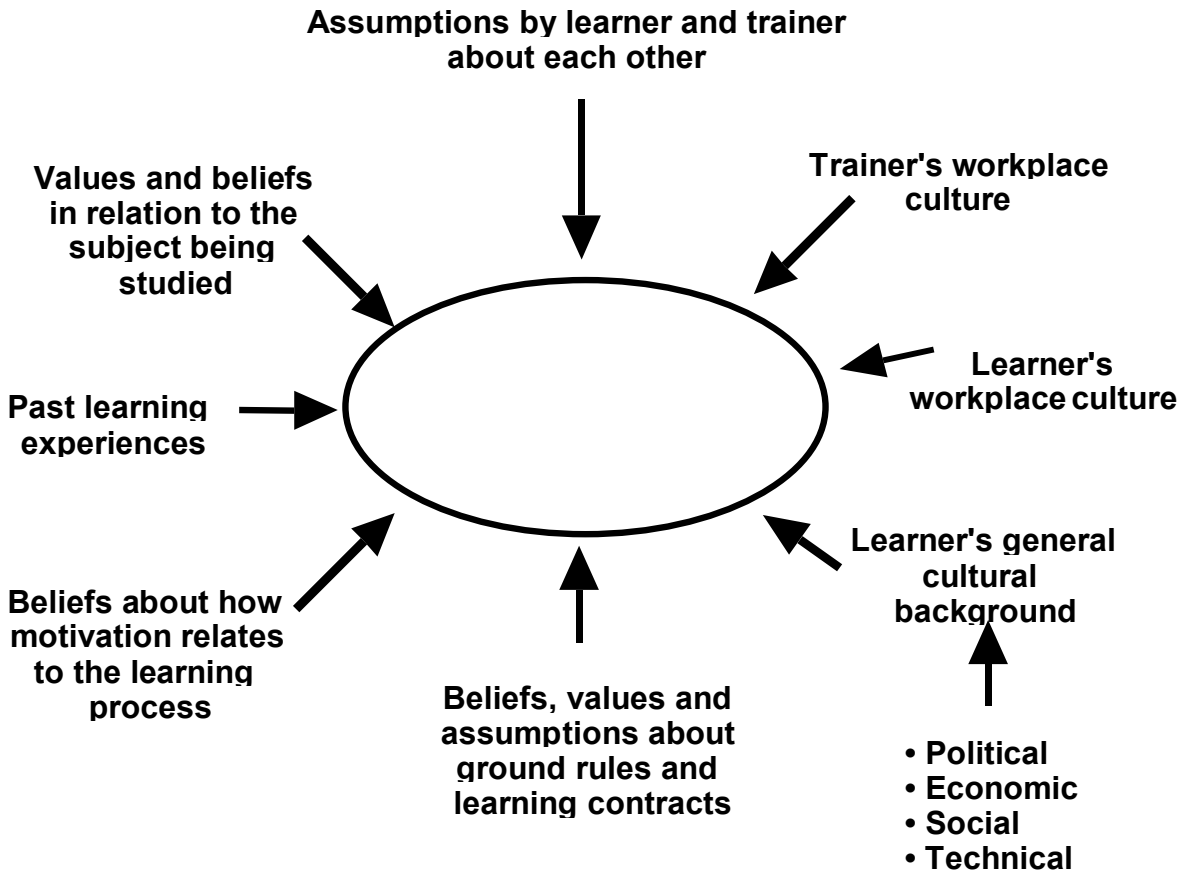
- Good physical conditions;
- Respect, acceptance, and trust;
- Encouragement of self-discovery;
- An atmosphere that encourages openness;
- A consideration that differences are good and desirable;
- An understanding that individuals have a right to make mistakes;
- A recognition of the variety of ways that people learn;
- An understanding of how individuals will use the learning.

As the combination of factors varies from group to group, the facilitator must also consider the characteristics of the group being trained. These include:

- The group's previous experience of training;
- Their own organisations' attitude to training;
- The purpose of the training;
- The preferred learning style of the participants;
- The group's understanding of the process of learning;
- How the group expects the facilitator to act and the type of training they are expecting;
- Particular needs of the group, e.g., special starting and finishing times;
- Accessibility for people with disabilities;

- Material that doesn't create difficulties for those with visual or hearing difficulties;
- Likely attitudes, knowledge, and skill levels that the group will bring with them.

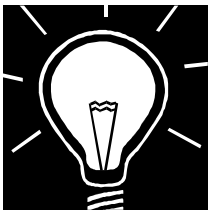
All these will influence the ability of the participants to learn, and the facilitator must be aware of them when designing the training, during the training, and when evaluating it. The following diagram reflects cultural influences on learning.



FIVE TIPS FOR LEARNING

In practical terms, then, when planning training, facilitators should:

- Ensure that a good learning environment is created in advance;
- Focus the subject matter on the current needs and problems of the participants;
- Use a variety of participatory training techniques that are rooted in the participants' own knowledge and experience;
- Have participants work in small groups when they are reflecting on the activities in which they have participated;
- Ensure flexibility, allowing for adaptations to training activities as they progress.

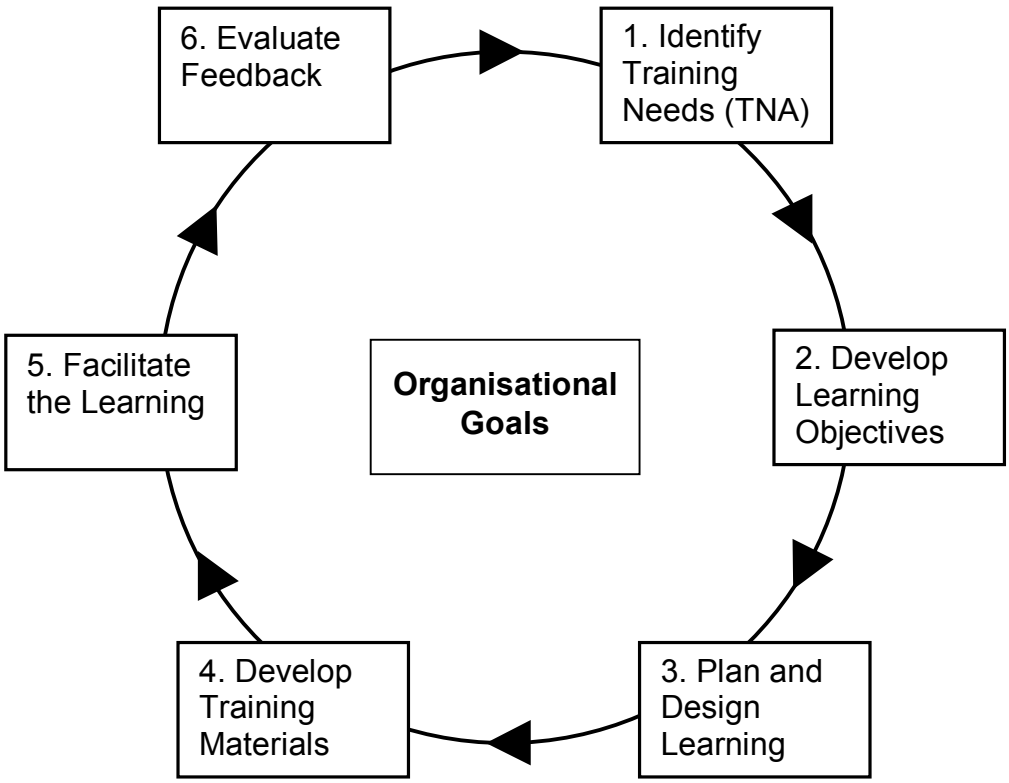


Topic 2

Planning for the Whole Process of Training

MANAGING THE PROCESS OF TRAINING

The main aspect of this role is coordination, bringing together various elements to ensure that training and learning are planned and carried out effectively. The person in this role may not be a training officer or trainer and should not be expected to carry out all aspects of the work alone. This topic highlights some of what needs to be considered. The diagram below illustrates various stages of the process.



IDENTIFY TRAINING NEEDS

Training Needs Analysis (TNA) systematically examines who needs what training in the organisation. This can be identified in two ways: firstly, by looking at individual members of staff and identifying the skills, knowledge, and attitudes required by them to carry out their tasks (task and job analysis); secondly, by looking at organisational changes, for example new legislation or new technology (organisational analysis).

Task and Job Analysis

Task and job analysis is used to identify the skills, knowledge, and attitudes required for a particular task or group of tasks that make up a particular job. In simple terms, the skills, knowledge, and attitudes needed to carry out the job or tasks are listed and then compared with what those doing, or planning to do, the job have. The objective is to identify the gap between the two – the training gap.

Methods

There are a number of methods that can be used in task and job analysis.

- Interviews with staff: these can be specific to the TNA or can be part of an appraisal system.
- Group discussions or interviews: useful as a starter or to get a group to understand the process of TNA. These will show common trends but not very accurate material about individuals within the group.
- Discussions with: managers;
  customers or clients;
  related departments.

  This can be a general discussion or specific interviews.
- Analysis of faults or complaints.
- Tests of specific skills or procedures.
- Questionnaires instead of interviews where the numbers are too large or the staff not easy to access.
- Observation at the work place.

There are important considerations in choosing the most appropriate methods.

1. Don't assume that the people involved understand the process. It may be the first time they have been asked about their training needs.
2. Inform all levels of the organisation about the process, and enlist their support.
3. Use more than one method, as errors can occur through bias in a particular method. For instance, the influence of the observer in the work place or a leading question in the interview. Compare the material from both methods to get the best results.
4. In choosing methods and designing material to be used, for instance questionnaires, interview sheets, etc., be aware of cultural, gender, or systems bias.

Organisational Analysis

Organisational analysis identifies changes or developments that will create training needs for the whole or parts of the organisation.

Some areas that should be considered are:

- New, or changes to, legislation;
- Policy changes;
- Restructuring or reorganisation;

- Redundancies;
- Recruitment;
- New technology;
- Changes in the social climate the organisation works in;
- Changes in the client group;
- Changes in political control;
- Changes in management;
- Changes in funding sources.

The main difference between this and the previous form of TNA is that these changes can usually be anticipated and the training needs identified before there is any effect on the organisation. Once the area of potential training need is identified, an analysis of the skills, knowledge, and attitudes required will provide the information needed for preparing the training plan.

CREATING A TRAINING PLAN

The training plan is an essential process that allows important decisions about the training to be made logically and systematically.

The first form of plan focuses on the whole organisation, department, team, or work group, depending on the most logical size of group with which to work, and it needs to be considered against the following:

- Budget;
- Number of people involved;
- Resources, e.g., space, equipment, materials;
- Priorities;
- Transfer of learning.

A number of industry standards can be applied in creating the training plan.

1) The most effective learning takes place in the workplace environment and engages not only the learner but also colleagues with whom the learner regularly interacts.
2) Where staff are widely dispersed, flexible learning, which includes many forms of self-study and distance learning have an important place in the strategy.
3) Learning should take place “just in time”, in other words, when needed and when it can be effectively applied and practised.
4) The value of continuous learning, whereby learning is not seen as a one-off event.

Handout 2.1 presents a checklist of issues that can be useful when developing a training plan. From the material obtained through both the identification of training needs and the training plan, the trainer can work with the organisation (or the potential participants) towards setting the training or learning objectives.

LEARNING PROGRAMMES

Catering for all staff needs, at all times, in an organisation with diverse learning preferences, diverse cultures, diverse functions, and diverse locations is a considerable challenge. Given these complexities, and applying the principles of learning already discussed, the UNHCR has developed a learning strategy built around a series of learning programmes that cover management competencies and three essential functional competencies: namely, management, protection, operations, and administration.

The learning programmes emphasise learning in the workplace, use a variety of learning methodologies, and focus on the knowledge, skills, and attitudes required for the job. Each learning programme is constructed with a number of units, many of which are self-study units, but an important element is for participants to come together at one stage during the learning programme in face-to-face sessions.

For some staff, however, learning needs are not covered completely by the broad learning programmes, and thus special training needs to be provided. This would apply to certain technical occupational groups.

The purpose of introducing the UNHCR learning programmes within this topic is to highlight the variety of learning opportunities that exist and how some of these techniques may be applicable to training plans.

The learning programme is modelled on the following three-stage approach:

Phase	Purpose	
Pre-workshop	Knowledge Skills Reflection	In this phase, participants are introduced to the subject matter through selected readings, videos or CD-ROM. They are then asked to reflect on these through observation at the workplace and the completion of activities including questionnaires and worksheets.
Workshop	Validation Interaction Encouragement	In this phase, participants come together to share ideas and develop their knowledge through interaction with other participants.
Post-workshop	Application Practice Reinforcement	Having gained knowledge and skills, participants are required to apply their learning in the workplace. This “action learning” stage may be assisted through coaching, video-conferencing, and other means of guidance

(Source: “A Strategy for Enhanced Staff Development (Draft)”, Office of the United Nations High Commissioner for Refugees, Geneva 2000.)

SELECTING AND BRIEFING TRAINERS

This process is relatively simple but can be fraught with problems if not carried out with care. The purpose is to form a contract between the trainer and organisation (even if they are internal or a member of staff) that is clear, complete, and fair to both sides. There are basically five stages to the process, and these are listed below. **Handout 2.1** details a series of questions and criteria that are useful for both organisation and trainer to consider at each of these stages.

- The organisation needs to be clear about what they want from the trainer.
- The organisation selects an appropriate trainer.
- The trainer clarifies the expectations and needs of the organisation.
- The organisation and trainer agree terms of reference and, where appropriate, a contract.
- There is contact between the organiser and trainer before, during, and after the event.

PROMOTING TRAINING BOTH INSIDE AND OUTSIDE THE ORGANISATION

Training, like any service, can either simply be made available or it can be actively promoted. In most organisations, learning opportunities are simply made available and those who want to use them do so. This is fine with most organisations, and training treated in this manner can be successful. For training to grow and for organisations to develop training programmes that attract people, however, it is necessary to promote and market training. At its very simplest, this means five things: the right training, in the right place, at the right time, at the right cost, advertised appropriately.

Inside the organisation: A TNA, done well, will clearly identify the right training for the particular parts of the organisation, and, if this is fed back to staff, it will be a self-advertising process.

Outside the organisation: This is clearly more difficult, and many organisations start from what they have to offer as a way of structuring training. This is all right in many cases, but it means that the organisation is trying to train people from its perception of participants' needs. It is necessary for the organisation to speak to potential "consumers" and clarify what their needs are and relate these to the skills and expertise that they can offer.

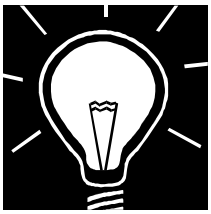
TRAINING ADMINISTRATION

As mentioned at the beginning of this topic, it is unlikely that one individual can carry out all aspects of the work, and ideally the facilitator will work with a small planning group of resource people who have a good understanding of the local area and the targeted training group.

An important aspect of their work, in planning and design, will be training administration. Much of this is very straightforward but is vital to ensuring that the event runs smoothly. The following checklist is a simple way of ensuring that all aspects are taken care of.

1. Has the trainer been identified and booked and briefed?
2. Has the venue/facility been booked?
3. What resources are needed and have they been booked?
4. What support staff are required?
5. What learning materials are required and are they organised?
6. What equipment is needed and has it been booked?
7. Has the training been advertised? Or have participants been notified?
8. Have participants' managers been notified?
9. Have joining instructions been sent?
10. Have catering arrangements been confirmed?
11. Has a welcome for participants been organised?
12. What methods of evaluation are being used and are they prepared?
13. Has evaluation material been collected?
14. Has the trainer been debriefed?
15. Have payments been made?
16. Have equipment and materials been returned?
17. Have follow-up letters been sent?

This checklist is presented in **Handout 2.3** and, in addition, **Handout 2.4** provides a comprehensive checklist that can be used to help any facilitator of a major training event plan and organise effectively.



Topic 3
Preparing to Facilitate a Training Event

INTRODUCTION

A training event may take a few hours, a full day, a few days, a week or longer, or may even take place during a number of days spread across a few weeks. Whatever the length, and whatever the content, there are a number of critical steps that need to be taken to ensure that the participants are part of a well-planned and well-facilitated event. These steps are described in this topic under the headings: **Designing the Training Event** and **The Learning Environment**.

It is the responsibility of the facilitator to try to ensure that the event runs as smoothly as possible, but even the best-made plans sometimes fail to work. Many things can go wrong in a training event! At the end of this topic, there is a section entitled **Coping with Contingencies,** which provides some guidance about what might go wrong and how facilitators can either prepare themselves or react.

The remainder of the Toolkit will concentrate on these aspects from the perspective of training provided within a workshop environment, but the underlying principles are equally applicable to other types of learning activity.

Whatever the duration of the training event, there will be a pattern to the structure that facilitators use. The following are some points as to what should normally appear at the beginning, the middle, and the end of a training event.

THE BEGINNING

- To arouse interest, learners need a bridge into the topic. They may attend because they want to learn, but the structure still needs to guide them into the material. Do this by using several approaches, e.g., a discussion, interesting input, or a good icebreaker. (N.B. When the learners are not motivated to take part in the process, discuss the reasons, explore the difficulties, and encourage them to consider the positive aspects of being involved.)
- Agree the ground rules. Set out and agree with the learners the way facilitators and learners relate to each other, how the training event will operate, and what is acceptable behaviour during the event.
- Clarify the programme. Again, this is a two-way process. Facilitators come with a programme designed to achieve the learning objectives, but the learners also arrive with their own expectations and preconceptions of what should be involved. It is necessary for both parties to agree on how these two predetermined views will come together as an event. Two strategies can help to create a shared vision of the workshop.

a. Before the event, good communication with participants will both identify the critical issues as seen from the local perspective and introduce participants to the training/project methodology.
b. At the beginning of the programme, encourage the participants to identify their expectations and align these with the planned programme. The outcome of this process depends a great deal on the nature of the gaps, the facilitator, and the learners. This contracting process is very important and should represent a genuine exchange of information.

THE MIDDLE

This is the main part of the programme, where, guided by the facilitator, the participants will be actively involved in the process of achieving the stated learning objectives. Clearly, facilitators must use their expertise in the topic to structure the material in the best possible manner.

Each component of the training programme should move the participants towards achieving their learning objectives. The progression should follow the logical structure that the facilitator and a planning group established during the design period. The amount of time spent on each aspect of the topic is a matter of judgement by the facilitator, but s/he should ensure and continuously check that it is clear, relevant, and interesting for the participants. Plan in feedback throughout the training!

The facilitator must ensure that the process encourages learners to use as many of their senses as possible to maximise their potential for learning. Research in the field of educational psychology shows that we remember:

- 10% of what we read;
- 20% of what we hear;
- 30% of what we see;
- 50% of what we see and hear together;
- 80% of what we say;
- 90% of what we say whilst we do it.

THE END

The final stage of any event is the closing of the programme. This is extremely important, requiring as much planning as either the beginning or middle. There are a number of issues to remember.

- Consolidation is important! Always go back over the key ideas and areas of learning covered. When the learning is spread over several days/sessions, it is important to consolidate new learning with that already learned and to lead onto the next stage of the process.
- Set up exercises to show that the learning objectives have been achieved.
- Feedback should occur throughout the learning, but the closing session is where the most systematic exchange of feedback between the facilitator and learners should take place. This exchange is vital, as it provides both the

facilitator and the learners with a clear understanding of how the contents of the event were perceived.

- It is essential to emphasise the importance of providing adequate time in the programme for evaluation. Too often, it is tacked to the end of a session when everybody is thinking about finishing, so they do not take it seriously.

SUMMARY

The following model provides a summary of what has been suggested above. It is one of many possible ways of developing a training session, but it ensures the inclusion of the concepts outlined in the learning cycle.

TRAINING SESSION MODEL

a) An introductory exercise that draws out participants' own ideas/understanding relating to the topic (e.g., brainstorming, a ranking exercise, personal experiences).

b) A relevant participatory activity (e.g., simulation, case study, role play, discussion topic) for the participants to experience together and that would form the main body of the training session.

c) General reflection and discussion on the exercise (this could be a group-work exercise, discussion in pairs, question and answer).

d) Analysis of the basic principles/model/concepts involved or development of a conceptual framework (this might take the form of a short presentation, handouts, overheads, video).

e) Experimentation or practice (either during or after the workshop) of the concepts, skills, attitudes developed within the training session.

f) Review, feedback, and evaluation.

DESIGNING THE TRAINING EVENT

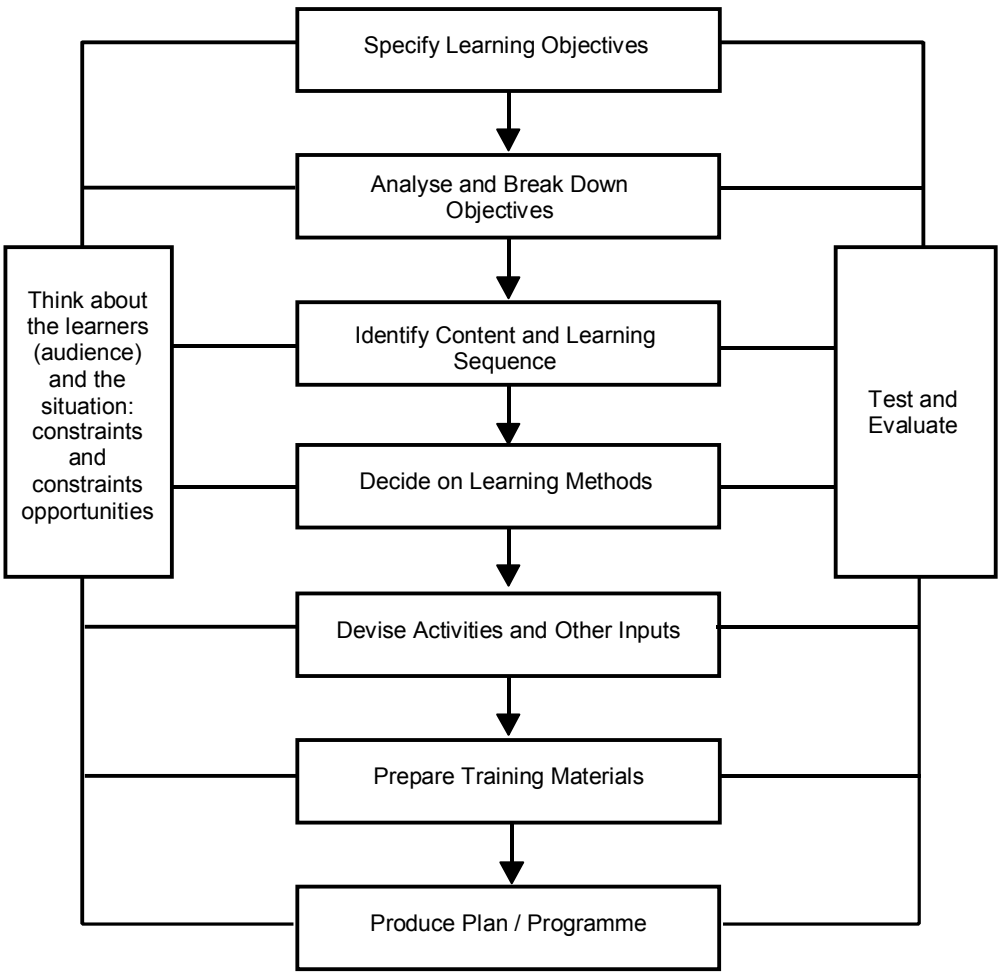
Successful workshop design depends on a number of factors and ideally involves the facilitator working with a small planning group of resource people who have a good understanding of the local area and the targeted training group. When the time comes for designing the workshop, this planning group should already have:

- A clear understanding of the participants and their backgrounds and an awareness of their individual and collective training needs:

  Who will be attending the training session: own agency staff, government officials, NGO partners, community representatives, other staff? How many people? What will be the likely educational level and typical posts of the participants? What are the likely attitudes, knowledge, and skill levels that they will bring to the subject area?

- A good understanding of the region/country in which the training is to take place. They should be aware of critical issues that affect the region and the locality and how they affect the targeted participant group.

The flowchart below outlines the specific tasks that the planning group should carry out in designing the training event:



This diagram is presented in **Handout 3.1**.

1. Specify Learning Objectives

Before beginning to train, the facilitator and the planning group must be clear about why they are going to do the training and what they want to communicate. They will formulate general objectives for the whole training event and specific objectives for each session within the workshop. An important point is to write objectives describing what the *participants* will be able to do as a result of the training rather than what the facilitator will do.

Objective *from the facilitator's viewpoint*:

> "To inform participants of international instruments for protecting children against landmines."

Same objective written *from the participants' viewpoint:*

> "Participants will be able to describe the main international instruments that can be used to protect children against landmines."

The latter format is much more useful for the participants, as they will gain a clearer understanding of what they will achieve through the training.

The planning group should also check whether they are any hidden objectives on the part of the participants (such as "no interest in the subject but they wanted to get away from the office", "they were sent by their manager", etc.).

2. Analyse and Break Down Learning Objectives

Learning objectives usually need to be broken down into more-detailed objectives in order to help the facilitator and planning group design appropriate learning activities. Facilitators can ask themselves: "What would learners need to be able to do in order to develop, through further practice, the required performance?" The objectives should be as specific as possible: phrases like "to know", "to appreciate" are impossible to measure. Phrases like "to plan", "to make", "to identify" are more concrete and therefore easier to evaluate.

The objectives should always be realistic and achievable to avoid any sense of personal failure on the part of the participants or the facilitator.

3. Identify Content and Learning Sequence

The Resource Packs offer a large amount of content material on a number of different critical issues, as well as material on foundation topics. The facilitator and the planning group will have to take decisions, based on the identified learning objectives, about which parts of which Resource Packs will be relevant to a particular group of participants. *All parts of a Resource Pack are never intended to be used in a single training session.*

The planning group should:

- Decide which parts of which Resource Packs will be relevant to the learning needs of the target group;
- Separate the content to be used into what participants *must know, should know,* and *could know*;
- Ensure that the training session is of appropriate length to accommodate the *must know* section of the contents (obviously, if there is more time available, the *should know* and the *could know* can also be accommodated).

In planning the *sequence of learning*, the planning group should be mindful that learners learn best in situations where they start with what they know and move in gradual steps towards the unknown. It is worth planning in a stage at the beginning of the workshop where the participants identify and establish what they know about a particular topic and then plan to build new ideas on to this existing understanding. As if building a house from bricks, the principle is to establish a solid base first and then begin adding successive levels. Once the learners have assimilated (and feel comfortable with) the latest new ideas, they are ready to be introduced to the next new idea.

Consideration should be given to matching the *type* of content used to the *type* of participant being trained. For example, senior managers may prefer to work with policy guidelines, executive summaries, and statements of key principles, whereas a technical audience may benefit more from training with case studies and discussion group work based on their recent experiences.

4. Decide on Learning Methods

The next task for the planning group is to consider what learning methods might be most appropriate for the workshop that they are planning. One way in which the planning group can facilitate this process is to consider the training methods that they themselves are familiar with along a continuum line where the methods can be placed according to the degree to which the participants are actively involved in the process of learning.

This continuum would have “Experiential Approach” at one end and “Lecture Approach” at the other end.

“Lecture Approach” ---------- “Experiential Approach”

The lecture approach is characterised by being trainer-centred, one-way, passive, and risks creating participant dependency. The experiential approach can be viewed as participatory, two-way, empowering, learner-centred, and active.

One of the important points about the training continuum is that there is no simple relationship between participatory methods being good and lecture approaches being bad. Methods should be selected on the basis of which are most suitable for the circumstances combined with the facilitator’s own confidence, ability, and opportunity to use a variety of methods. Most facilitators feel more comfortable with some training methods than with others: this may be because of their own learning preferences or because they are conservative in the methods they use.

5. Devise Activities and Other Input

Having considered the needs of the participants, the learning objectives, the content, and the most appropriate learning methods, the planning group is now ready to devise activities and other types of input that will reflect this planning. Topic 4 provides detailed descriptions of a number of participatory training techniques; Topic 5 deals with introductory activities, ice-breakers, and quick review methods; and Topic 9 covers the issue of feedback and evaluation. All three topics provide important material that the planning group may use in devising activities.

The following checklist (taken from *Participatory Learning and Action: A Trainer's Guide*, see the Annotated Reading List) is a helpful tool for facilitators in planning any training event:

FACILITATOR'S CHECKLIST: ADULT LEARNING

1. Is the atmosphere of your session friendly and encouraging?
2. Have you made plans to relieve any anxieties that the participants may feel?
3. Will your teaching methods allow learners' previous experience to be acknowledged or used?
4. Will learners be rewarded for their contributions?
5. Does the work allow participants to measure their own progress?
6. Do you make it clear that you are available for additional help if individuals have difficulties?
7. Are the first few minutes of your session always attention-grabbing?
8. Do you build in frequent opportunities for reinforcement and practice?
9. Are you avoiding lectures or at least limiting them to 10-20 minutes?
10. Have you built in regular feedback sessions?

6. Prepare Training Materials

For each session planned, the planning group will have to consider what training materials, equipment, and resource people will be needed both by the facilitator(s) and by the participants. The materials should obviously be ready for use well in advance of the training event. The Resource Packs contain a wealth of training materials that can be used as they appear or can be adapted by the facilitator.

7. Produce Plan/Programme

A detailed training plan or programme should then be written. This will be given to the participants at the beginning of the workshop. The facilitator(s) and the planning group should make copies of a more detailed, session-by-session plan that will guide them through the event. Each Resource Pack presents two examples of training programmes that can be adapted for this purpose.

An important guideline for any presentation is to keep it simple and relevant and keep the presentation time to a maximum of 15-20 minutes. Presentations given by the facilitator can always be supplemented by handouts and references to where further information is required.

THE LEARNING ENVIRONMENT

When planning for a training event, the planning group must also ensure that the learning environment is suitable and conducive to learning. The learning environment can be considered under the following headings:

1. Knowing Yourself

Personal Manner

- Be warm, friendly, and enthusiastic. If you enjoy yourself, the participants probably will as well.
- It is your job to create an atmosphere where people are willing and able to learn. Never set yourself up as the :master" as you will only tempt participants to "catch you out".
- Your participants are adult learners and deserve the respect of their age and experience.
- Learn the names of as many participants as you can (or have them make name badges). Use individuals' names; not just to ask questions, but if you refer to a point made by a participant, acknowledge it by naming the person.
- Be genuinely interested in what your participants have to say; if you need clarification or more explanation ask for it – gently and with a smile. Remember you are not an examiner.
- Listen to what participants say – really listen! Don't stop listening part way through to formulate your response. Nobody minds if you think for a few moments before answering. In fact, it is a compliment to the participant.
- Listen also when participants talk to each other; many people feel too shy to speak from their heart to a facilitator/trainer, but they will to their colleagues.

Eye Contact and Voice

- Make frequent eye contact – not staring (which intimidates participants), but look at *all* the participants.
- Use your peripheral vision (looking out of the corner of your eye) so you notice the person to your side especially if they want to speak.
- When you move around the room, stand beside people you wish to speak to – not in front of them as this may be seen as very aggressive (especially if you lean over the desk/table).
- Speak clearly and not too fast, but with expression (a monotone will put your participants to sleep).
- Use the level of language your participants need – this is not the time to prove how clever you are. Simple language does not mean simple concepts: it is, in fact, more difficult to do.
- Make sure your voice is loud enough for all participants to hear you. Humility is not judged by a soft voice.

Posture

- Stand straight; slumping makes you look tired, as if you would rather not be there.
- Move for a reason; to make a point, to talk to a particular group, to check if people need your help. There are several types of trainers that you *do not* want to be like:

  The walker is the trainer who walks ceaselessly up and down – participants become mesmerised by the pacing to and fro and fail to listen to what is being said;

  The swayer is similar, but they move only on the spot, backwards and forwards or from side to side, like a metronome – tick, tock, tick, tock;

  The wanderer also walks, but all over the room, talking to the backs of people as s/he walks around the room, talking all the time;

  The statue is perfectly still – no movement at all;

  The waver waves their hands around continually, not to illustrate a point; just waving – this also distracts the participants.

2. Knowing the Participants

The learning environment also depends on the participants. The planning group will know how many participants have been invited to attend the training, but it is also important to know and understand:

- Why they are attending;
- Their hopes and expectations;
- Their fears and concerns;
- Their range of experience, discipline, age, gender, and status.

Make sure that participants know each other and that they feel psychologically comfortable in each other's company. *Never* make a fool of a participant. If it should happen unintentionally, apologise. Make sure you are courteous, and your participants will also be courteous.

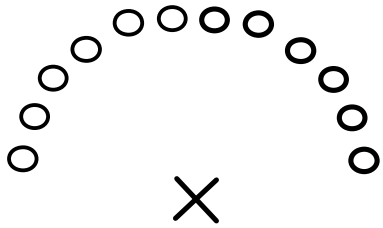
3. Choice of Venue and Use of Room(s)

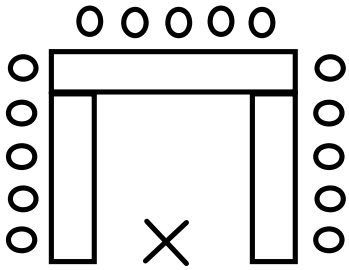
Facilitators may not be able to choose either the venue or the room that they are to train in, but they should be aware of how these might affect participants' ability to learn. If possible, a visit to the venue before the training event will give the facilitator an opportunity to make the best possible use of the given space.

The Room

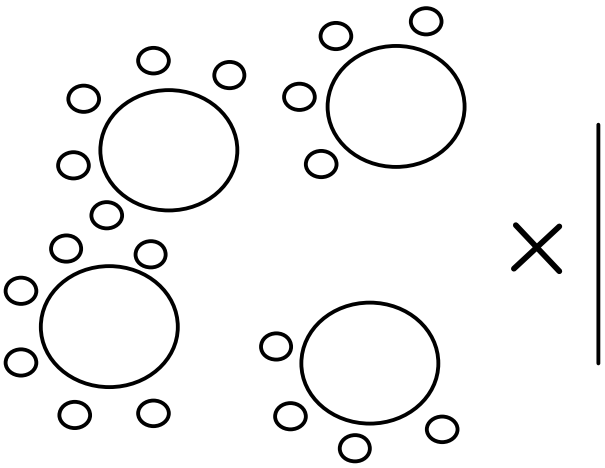
- Check windows and where the sun comes in. Never stand directly in the path of sunlight or with the sun shining into the eyes of participants (i.e., with your back to the sun). If the participants cannot see you properly, they will lose interest.
- Organise the seating so that there is no barrier between you and the participants. *Never* sit behind a desk.

- If there are desks or tables for the participants, then stand for your training (unless you are having an open discussion).
- Frequently used seating arrangements are the horseshoe or hollow square.





- There are other arrangements that may be more suitable for your room or the type of training, such as the cafeteria-style arrangement.



- The small tables mean that, generally, your groups are already formed (by table), and this may be appropriate for some situations.
- Ensure that, whatever arrangement you choose, you (and the participants) can move freely around the room.

<u>Equipment</u>

- If using a blackboard or whiteboard, make sure that your writing is clear, large enough to be read, and straight.
- People often think that writing in capital letters is neater than ordinary writing. If you choose to write in capital letters, remember that it takes more time to write anything, and brainstorming in particular can become very tedious.
- If the board is long (horizontally), divide it into sections. Know what you are going to write and where you will place it before writing anything.

- If you are using a whiteboard, remember that it is more slippery than a chalkboard and there is a good chance that your writing will suffer. *Practise first* (in private).
- All board work should summarise what you are saying or have said. Drawings and graphic representations can be used to great effect, particularly if your audience is not literate.
- Ensure that all participants can see the board or audio-visual aids that you are using.

4. Timing of Sessions

People do not concentrate well for long periods of time. The length of a session will have a crucial effect on the participants' ability to concentrate and learn. The more participatory and varied the activity, the longer the participants will be able to concentrate.

When giving a presentation or a lecture, *maximum time should be 20 minutes.* Do not talk for longer than you said that you would.

The time of day also has a big impact on how well people respond to different learning approaches. In the morning, people are generally more alert. After a meal, when stomachs are full, facilitators have to face what is sometimes called the "graveyard session". This is *not* the time for a long lecture!

- Use an energiser after the lunch break, and use this time for an interactive activity – the more participation, the better!

Breaks are very important.

- Remember that the average adult attention span is about forty-five minutes. This does not mean that you need a break every forty-five minutes, but you do need a change of activity.

Breaks should be at least twenty minutes. Participants need this time to mentally regroup and probably to discuss issues that have arisen during the presentations.

5. Pace and Content of the Training

It is important to structure each session carefully. In designing each session, the facilitator will have already worked out what the participants must know, should know, and could know (see above).

- Structure sessions around the few key points that you think the participants *must know* by the end of the session.

Repetition reinforces memory.

- Although it may seem unnecessary, always repeat the central ideas or key points of a session and keep the most important points until last.

Everyone loves a story! A good facilitator makes jokes or remarks during the course of the training event that may appear unrehearsed but that may have been prepared. A good, relevant story at the right moment will often reinforce a learning point.

- Plan in some lighter moments to a presentation and other parts of the training event.

COPING WITH CONTINGENCIES

Any number of things might go wrong in the course of a training event. One of the most demanding tasks for a facilitator is to know how best to handle the situation when the event is not going according to plan. There are two issues to discuss here:

a. The very thought that things might go wrong will make some facilitators very anxious;

b. Facilitators should consider what contingencies can be prepared in advance of the training session.

1. Dealing with Anxieties

There are two useful ways of dealing with pre-workshop anxieties (and we *all* have them!):

- Analyse your anxieties and think about how to deal with them: make a note of the worst things that you think might happen during the workshop. Then, for each item on the list, note down two ways in which you could deal with that situation. This should make you feel more confident.
- Accept that you won't be able to cope with everything perfectly. You don't have to be perfect. If you feel stressed by the thought of potential crises, or by real training problems, the concept of a "good enough" trainer may be helpful. You are developing your training skills and knowledge every time you facilitate a training session. If the participants seem to be learning something, you are probably doing fine! After the training event (as soon as possible), make a note of the things that you did not do so well, and consider how you might handle them differently if they arise again. This exercise will contribute to your own learning process.

2. Preparing for Contingencies

The following list of tips is taken from *Toolkit for Trainers* by Tim Pickles (see Annotated Reading List) and may be helpful.

One of the easiest ways of dealing with contingencies in training workshops is to apply the notion that, if what you are now doing is not working, try doing the opposite. For example:

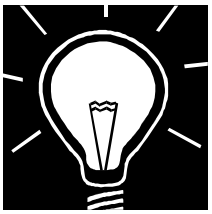
- If a plenary session is not working, break into smaller groups;
- If a practical exercise is not working, change it to a demonstration;
- If a thinking session is not working, move on to a practical activity;
- If a facilitator's example is not appropriate, seek out a participant's example.

Another way of planning contingencies is to develop a series of simple exercises or activities that can be relied upon to assist in resolving the most common problems encountered in any group. These can be used as necessary when the problem arises. For example:

- If participants are becoming disengaged from the content, divide them into smaller groups and ask them to apply the material to situations from their own experience;

- If you are unsure what to do next, announce a short break (for refreshments, if there are any) to give yourself more time to think;
- If there seems to be resistance, call for a round where participants express how they are feeling (for a description of this method, see section under Quick Review Methods in Topic 5);
- If the present session is not working, move to the next part of the programme early;
- If you are running out of material, end the session early rather than create fillers;
- If the group is becoming fragmented, bring participants back together and ask them to work on clarifying the purpose of their work together.

Many of these common contingencies rely upon the use of opposites. They also generate the space for the facilitator to reassert a measure of control or for the participants to express their own difficulties in a legitimate way within a group.



Topic 4
Participatory Training Techniques

INTRODUCTION

This topic lists and explains a variety of training techniques that can be used to create a participatory learning environment. However, it is important for facilitators and trainers to be aware that the way in which they use these techniques is at least as important as the techniques themselves.

In deciding which technique to use, facilitators should refer back through the stages described in the previous topic about the design of a training session: content, timing, and needs of the participants. In addition, the facilitator's own experience and expertise will contribute to the decision about which training technique to use in a given situation.

The following tips for facilitators apply to all of the training techniques described (taken from the Manual of the Asian Institute of Technology NGDO Consortium Management Training Workshop).

- Make sure you know *exactly* what is involved in the exercise. You should try it out yourself before using it with a group.
- Make sure all the materials are available for participants.
- Settle the participants into groups before introducing the exercise.
- Introduce the exercise clearly. Allow participants time to ask for clarification.
- Give a clear indication of how much time is available for the exercise.
- Make sure that each group appoints a timekeeper and a person or persons for reporting back (if required).
- Explain that groups may use whatever language they choose for discussion with the agreement of all the group members. All recording and all feedback to the plenary must be in the common language being used for the workshop.
- Go around to each group after five minutes to check whether they are clear about what they are expected to do.
- Be available if any group has a question.
- Support any group that seems to be finding the exercise confusing or difficult. Clarify points, but do not take over.
- Provide regular time checks throughout the allocated time.
- If any group finishes the task before the time is up, make a suggestion about

how they could use the remaining time.

- If all groups appear to have finished the task within the allocated time, check this out and move on to the next stage or activity.
- If all the groups seem to require more time, you must decide if this is possible given the timetable. It may be necessary to change your plans for the remaining time in the session.

PARTICIPATORY TRAINING TECHNIQUES

In this section, a number of participatory training techniques are described. Facilitators who are not familiar with a particular method are strongly advised to use the descriptions below in conjunction with the exercise described within the Resource Pack.

The following techniques are described.

1. Small groups
2. Brainstorming
3. Case studies
4. Checklists
5. Discussion exercises
    - Buzz groups
    - Debates
    - Fishbowl exercise
    - Plenaries
    - Triads
6. Lectures and presentations
7. Questions (and answers) – devising questions and questionnaires
8. Using visual images and diagrams – diagram, photo and video exercises
9. Producing songs, posters, poems
10. Personal reflection – diaries and logs
11. Role plays
12. Simulations
13. Using cards – situation cards, ranking, sorting, and prioritising
14. Problem solving
    - Analysis
    - Audits
    - SWOC analysis (strengths, weaknesses, opportunities, constraints)
15. Planning exercises – action planning and critical path analysis

1. SMALL GROUPS

The deliberate use of smaller groups when working with larger groups is an important option for facilitators. Working in small groups permits more engagement by participants in the process and may encourage those who are more reticent to contribute further as a consequence of the perceived safety and confidentiality of the smaller group.

Method

There is no established size for a small group. Whatever size of group you are working with, it is always possible to break up into smaller units for specific tasks. Working in pairs or triads are specific forms of small groups, but small groups are assumed to be between four and perhaps eight participants in size.

Breaking into smaller groups serves two main purposes.

1. It allows a greater range of tasks to be accomplished if each small group is given a different task.
2. It enables more participants to contribute to the discussion if each group is engaged in the same task.

Thus, working in small groups is a method for encouraging participation and for achieving a higher output. This is achieved at the expense of some control over the whole group by the facilitator.

Groups can be divided into smaller groups on a self-selecting basis or more deliberately by the facilitator. The latter selection may be preferred if you wish to ensure a particular mix of participants (or to engineer group membership in some way). Self-selection by participants may be more comfortable for the participants since they will tend to gravitate towards people they already know or towards whom they have some affinity. Simple methods for creating arbitrary mixes in small groups include numbering participants off (for example, people are numbered 1-2-3-4-1-2-3-4-1 and so on, around the large group and all the 1s get together, all the 2s form a small group, and so on), or imposing a condition on small-group membership (such as, no two people from the same work setting in any group).

Facilitators should avoid situations in which lots of small groups are formed, each doing the same task. This can become boring and repetitive, particularly if each group is expected to offer feedback in a subsequent plenary session. Instead, the facilitator can give small groups different topics and tasks to work on that are themselves all aspects of the main issue.

Examples of where small groups might be used effectively

- When participants are uncomfortable about speaking in a large group and need encouragement to make their views known to others.
- To generate a variety of views in a relatively limited period of time.
- To examine alternatives.
- To gather together particular groups of participants in order to explore issues from their perspective.

2. BRAINSTORMING

Brainstorming is a simple and effective way of generating ideas and suggestions. Brainstorming generates a large quantity of ideas without regard to their quality; subsequent sorting and prioritising of the ideas are used to refine the raw results. They are useful for introducing topics and generating an interest before further and more detailed work is undertaken, and they can be used to energise a group and stimulate discussion.

Method

An issue or question is agreed or defined. The group puts forward ideas, responses, or solutions to the issue or question. These are recorded on a flip chart. Encouragement should be given to the rapid generation of ideas. The group should understand that:

- Ideas and responses are accepted and recorded without comment;
- Quantity is more important than quality at this stage;
- All responses are of equal merit during the exercise;
- One response can be used as a trigger for another response.

Having constructed a list of ideas through brainstorming or discussion, these ideas may vary in quality, appropriateness, accuracy, or relevance, or the volume of ideas may exceed what the group can handle in a given time. Methods for sorting them must then be used. See Section 13 on Using Cards, where methods for ranking, sorting, and prioritising are described.

Examples of where brainstorming might be used effectively

- Creating options for an action plan.
- Energising a slow discussion.
- Identifying risks in a certain situation.

3. CASE STUDIES

The case study is a useful and flexible method of providing examples of a subject for discussion and comment by participants. Case studies are used in almost all of the Resource Packs. Facilitators are reminded to consider each case study carefully before deciding to use it with a group of participants. Choose case studies for their relevance to the issue under consideration. It may be necessary for facilitators to rewrite case studies to suit the particular needs of the participants. See **Topic 6** for more information about how to write case studies.

Method

Each case study describes an incident or event in some detail. The amount of detail will vary according to the nature and complexity of the topic on which the group is working.

The case study can be used to achieve several things within the training situation:

- Help group cohesiveness;
- Highlight difficult dilemmas;
- Test learning;
- Develop analytical and problem-solving skills;
- Help people to gain confidence.

Examples where case studies might be used effectively

- During discussions about personal values – participants offer a case study of an event and describe how their values affected the outcome of the situation.
- When highlighting management techniques – case studies of specific management problems are presented for group discussions.
- In reviewing emergencies – case studies of previous events can be presented.
- In problem-solving situations – a case study of a similar problem, with or without solution, can be used to introduce the topic.

4. CHECKLISTS

Checklists are used by a group of participants either to remind them of key points about a subject or to rate themselves against a set of criteria. They serve as a useful reference point and a summary of important factors being considered by the group. Most checklists are prepared in advance by the trainer or facilitator.

Method

A checklist lists headings in some sort of order without going into detail on each one. Each item on the list should be self-explanatory and act as a trigger or a reminder to the reader. It can either act as a simple self-assessment sheet where the user of the list can tick off items from the list that have been collected or completed, or it can be used for participants to measure their abilities against a set of established criteria.

To be effective, checklists should not be too long, or they simply become memory exercises.

Examples of where checklists might be used effectively

- After making a presentation on future strategies, the facilitator provides a checklist of tasks that should be completed, and participants tick off those tasks that they are able to complete.
- Before running a role-play exercise with a group, a facilitator may refer to a checklist of briefing points to ensure that the group is adequately prepared for the role play.
- It may be used by the facilitator to reinforce points made in a presentation and given to participants for them to assess which points in the presentation already form part of their workload.

5. DISCUSSION EXERCISES

Discussion exercises form a significant part of the exercises in the Resource Packs. They come in many forms. The value of discussion – between pairs, in small groups, or as part of a plenary discussion – is that it engages the participants in the learning process. By contributing to the discussion, participants are either relating and applying the material to their own situation or questioning and disagreeing with it because they cannot see the connection to their own experience. Either way, discussion forms an important part of testing, refining, and ultimately internalising the course material by the participants.

Discussion may be *unstructured* or *structured.*

Unstructured discussion involves a group of people discussing a very loosely defined topic. No control is taken as to what direction the discussion will take. This type of discussion is often used by mutual support groups and is useful for situations where participants are invited to share experiences or reflections about certain issues.

Structured discussions involve the facilitator in presenting the theme and suggesting questions or issues for the participants' consideration. The facilitator will try to ensure that the discussion does not stray too far from the original subject. Structured discussion is most often used within the exercises, particularly in terms of problem solving, action planning, and case study exercises (see descriptions in this section).

Under ***structured discussions,*** a number of techniques may be considered:

Debates: This method is useful when there are strongly held and differing views amongst participants on a given topic. The facilitator usually provides a stimulus statement or question and asks participants to argue the case or answer the question from differing standpoints. Time is usually allowed for the different groups to develop their case, and then there is a plenary session where the cases or arguments are debated. At the end of the debate, participants are often asked to indicate whether they have changed their position as a result of the debate.

Triads: This is a method of setting up three-way discussions. It is particularly useful if groups are exploring personal issues or problems. Participants are divided into groups of three, where one member of the group is the speaker, the second person is the listener, and the third person is the observer. Having established and agreed on the topic that the triads will discuss, the role of the speaker is to present the issue or example on which s/he wishes to focus; the role of the listener is to listen to the speaker and to respond with support, counsel, or advice; the observer's role is to take no part in the exchange between the speaker and the listener but to record what occurs and provide either a summary or direct feedback to either party at the end. At the end of the exercise, there should be a short debriefing before roles are swapped and the process is repeated in order to give each participant an opportunity to experience each role.

Fishbowl Exercise: This technique is used in situations where participants listen, initially without comment, to the viewpoints or arguments that another group may hold on a given topic. In such an exercise, a small group of participants is asked to sit in an inner circle whilst the remainder of the group is asked to form a larger circle around the outside of the small group. The members of the small group are

"the fish in the bowl", and the members of the larger group are the observers of the fishbowl. The small group is asked to discuss a topic or an issue. The role of the observers is to listen to that discussion. In some cases, observers may be asked, in the next stage of the exercise, to join the fishbowl group and contribute to the discussion. In other cases, the next stage may be a plenary where the observers discuss their reactions to what they have heard. Participants may then be invited to come together for a plenary session. This technique can also be used in role-play situations where, for example, the small group is asked to play the roles of a group of children discussing how they feel about the way their parents are treating them, and the larger group plays the roles of the parents listening to the children.

Plenaries: This technique is used at the end of the majority of exercises described within the Resource Packs, generally during feedback sessions when work done by smaller groups is shared with the whole group. The benefits of using this technique are that plenaries enable experience and ideas to be shared across the whole group of participants and that they generate a sense of group cohesion, when the small-group discussions or exercises have come to an end.

When several small groups are engaged in giving feedback to a larger group, it can be interesting and stimulating to invite them to use more-creative forms of feedback than just a verbal report.

Creative feedback techniques for small groups include:

- Using mime rather than words;
- Making a dramatic presentation of the conclusions;
- Reporting the key points in the form of a debate between two or more members of the small group;
- Writing key points on large poster sheets attached to the wall and inviting people to walk around and read the ideas before asking questions.

6. LECTURES AND PRESENTATIONS

Speaking to a group as an audience is a long-established method of teaching and demonstrating. It is particularly useful when conveying information or giving an explanation that people need to hear. In working with groups, it has tended to be discarded as an inappropriate method of engaging people and working with them. However, it does have a place in the facilitator's repertoire of techniques. Each of the Resource Packs has extensive topic notes, overhead transparencies, and handouts that can be used to support presentations.

<u>Method</u>

It is more appropriate to think of presentations in terms of giving input to a group where one person holds the attention of all the others for a period of time. Possible situations where such input might be desirable include:

- When demonstrating how something is done so that participants can do it for themselves;
- When conveying information or instructions for a group of participants;
- When summarising the discussion of several groups for the benefit of everyone in a plenary session;

- When wishing to demonstrate or exercise control over all the participants together.

Because participants are not engaged directly in presentations and input and are usually passive observers and listeners, the presentation should be as short, focused, and relevant as possible. Twenty minutes is the absolute maximum that should be used for this type of activity.

Other ways of engaging the group audience in the input are to invite them to ask questions; to draw examples from their experience; to involve them in practical aspects of any live demonstration.

All input and presentations benefit from good forethought.

The following tips for presenters may be helpful.

- Know your material – read it through and don't attempt to talk about something about which you know very little. This quickly becomes obvious and undermines your credibility. If you can't find a suitable external resource person, find out if one of the participants is knowledgeable about the subject. If you have to do it yourself, admit that you are not an expert in the subject at the beginning rather than demonstrating it during the presentation!
- Make sure you have all the material to hand – OHPs, handouts, and any extra notes you may need.
- Use illustrative examples – either from your own experience or from others' experience. This helps to make your points clearer.
- Speak clearly and put your interest over using your voice Nothing is worse than a monotonous presentation.
- Do not speak for more than 20 minutes without a break for questions or comments.
- If there is no time for questions, explain why at the beginning.
- Deal with interruptions politely but firmly – unless you have asked for people to raise points during the presentation.

The following checklist may also be used when preparing a presentation or an input.

Checklist for Preparing Presentations

- Are you using presentations and input for those occasions when other methods will be more useful to the participants?
- Have you limited your input to no more than 20 minutes?
- Does your input have a clear beginning, middle, and end?
- Do you always keep to simple key points?
- Do you support your input with a clear handout?
- Do you know your own body-language mannerisms and how these affect your presentations?

Source: Adapted from Participatory Learning and Action: A Trainer's Guide. *See the annotated reading list.*

Examples of where presentations and lectures might be used effectively

- Outlining models or theories.
- Describing practices or approaches.
- Outlining legislation or policy.

7. QUESTIONS AND ANSWERS

The use of questions and answers forms a significant part of the training and learning process within a training course. Apart from the obvious situations in which participants will ask questions of the facilitator and vice versa, there are other ways in which the use of questions and answers can enhance a training course. Questionnaires can provide useful information for use by the group and contribute to a self-assessment exercise for individual members. They can be developed either by the facilitator or by the participants themselves. Questionnaire surveys can be carried out by participants, either with people external to the group or with each other.

Method

Questionnaires can be devised to suit many purposes. Examples include:

- A checklist of training completed by participants in the past and required in the future;
- A structured analysis of a recent event or incident;
- A method of developing an understanding of prevailing attitudes within a group;
- A self-assessment list of personal skills and ratings on a subject.

Questionnaires require preparation in advance of their use. By planning ahead and developing a carefully constructed questionnaire, it is likely that the answers to the questions will provide more useful information. The following checklist of factors to consider when devising a questionnaire may be helpful.

- Clear purpose – why develop this questionnaire? How will the results be used?
- Logical layout – start simply with straightforward questions. Questions on the same subject should be grouped together. Avoid repetition. End with a question that allows the respondent to add any other comments that s/he considers have not been covered elsewhere.
- Language – keep it simple and straightforward. Keep sentences short. Avoid jargon.
- Length – questionnaires that are too long put people off. If they are too short, they may not provide enough information. A length of two sides (one sheet), or at most four sides, is reasonable. Work out your most important questions first and use these. If there is space left, you can consider adding additional questions.

Examples of where questions and answers might be used effectively

- During and after presentations.
- In group work.

8. USING VISUAL IMAGES AND DIAGRAMS

Many of the recent innovations in participatory approaches have involved a shift from verbally oriented methods (discussion groups, questions and answers) to visually oriented ones (participatory diagrams and visualisations). Everyone has an inherent ability for visual literacy, and the impact of visual methods on communication and analysis can be profound. They allow literate and illiterate people to participate in the process as equals, facilitating the exploration of complex relationships and generating collective knowledge. In this section, the following list of techniques will be described: diagrams and visualisations, using photos and drawings, and using videos.

Using Diagrams and Visualisations

These are pictorial or symbolic representations of information and are a central element of participatory analysis and learning. They can be effective because they:

- Provide a focus for attention whilst discussing an issue;
- Stimulate discussion by both literate and illiterate people;
- Can represent complex issues or processes simply;
- Provide a means for cross-checking and therefore provoking effective group work;
- Evoke creative associations;
- Stimulate people's memory about their past and present situations;
- Reinforce the written or spoken word;
- Assist in decision-making or monitoring.

Method

There are many different diagrams and visualisations. These include: flow diagrams, impact diagrams, flow charts, pie diagrams, Venn diagrams, historical profiles, social maps, resource maps, transects, time lines, sociograms, and many others. It is not possible to describe each of these methods in detail here, but references to good descriptions of these are made in the Annotated Bibliography at the end of this Toolkit.

Examples of where visualisations might be used effectively

- When examining issues with a geographical or spatial dimension.
- When developing a progression of ideas.

Using Photographs and Drawings

Photographs and drawings can be very useful when participants are being asked to illustrate feelings, emotions, perceptions, and attitudes as they utilise the creative and imaginative elements of the brain rather than the rational and logical elements upon which verbal techniques tend to rely. If there is resistance to the idea of drawing, cartoons might be easier, or cutting out images from magazines and pasting them into a collage. Sometimes, pencil and paper work well; other times, felt tips and flip-chart drawings are more appropriate.

Storyboards can be used to illustrate a series of key moments in an incident or to describe the history of an event. They can be produced by the facilitator or the participants.

Examples of where drawings and photos might be used effectively

- When participants are being asked to illustrate feelings, emotions, perceptions, and attitudes.
- As a contrast to using rational, logical, left-brain approaches.
- As triggers for discussions.

Using Videos

The most obvious use of videos is to locate pre-recorded material directly related to the topic that you wish to consider. It can be used as an introduction, a stimulus for a discussion exercise, or to summarise key points. Using videos requires careful preparation. Facilitators should:

- Select culturally appropriate material;
- Gain permission for the use of the material;
- Be familiar with the video material and the equipment (including the remote control, if used) and make a note of the counter settings if different parts of the video are to be used;
- Work out how they will use the video and what questions/issues they want participants to examine;
- Check the equipment on the appropriate day to ensure that everything is compatible and in working order;
- Pre-set the video so that it starts at the correct place;

- Ensure that all participants can see the screen and hear the soundtrack.

Examples of where video might be used effectively

- As a trigger to stimulate thinking about issues.

9. PRODUCING SONGS, POSTERS, AND POEMS

This technique offers an enjoyable and creative way of encouraging participants to synthesise their thoughts or develop key messages from a presentation or a previous exercise. It also provides a way of considering the potential for developing this kind of technique for advocacy or promotion work in general.

Method

A group (or small groups of participants) is asked to develop key messages or summary points about an issue or topic and then to develop these points into an appropriate form of communication to a target group. It is important that the facilitator allows a realistic amount of time for the preparation of these communications and that enough time is allowed for the presentation of the finished pieces.

Examples of where producing songs, posters, poems might be used effectively

- Planning an information campaign.
- Summarising key points of an issue to communicate to others.
- Lightening the tone of a difficult training session.

10. PERSONAL REFLECTION

By inviting participants to reflect on their own experiences in relation to a topic or an issue, the facilitator is encouraging them to develop a greater understanding and/or an empathy for the situation that others may have to deal with. This technique encourages greater insight in deciding how to address the issue at hand.

Method

The facilitator asks the participants to remember a particular situation in their lives. S/he may then ask them to think about a number of questions related to that situation, e.g., why the situation arose, how they dealt with it, what the consequences were. Participants can then be asked to share their thoughts in pairs, small groups, or in a plenary situation.

Reflections and/or reminiscences can also be produced as a paper exercise and shared as appropriate:

An example of this would be **diaries and logs**. Recording events and thoughts in writing is a useful way of encouraging reflection. It enables the writer to understand how and why things have occurred. Setting up a structure for participants to write a diary or log could be very useful as a pre-course or post-course exercise. Logs may be structured or unstructured. A structured log focuses the attention of the writer by using a series of predetermined prompts or questions to which the writer responds in completing the log. This can be done by providing the participants with a pro-forma log sheet with prepared questions established.

An unstructured log or diary presents the writer with a blank space to complete as he or she wishes.

Examples of where personal reflections could be used effectively

- Introducing a topic that may require sensitive handling.
- Analysis of situations faced by individuals.
- Personal evaluation of events or situations.

11. ROLE PLAYS

Role plays can be very effective as training tools. They can also be amongst the most complex activities to plan and run. When it is well run, a role play will have a strong impact, but a poor one is likely to result in criticism and frustration. There is a potential complication in the case of facilitators who may be implementing role plays that they have not developed, and so they must think very carefully about how relevant or effective they will be. This should include careful consideration of any cultural aspects that might affect the running of the role play.

Method

The role play centres on recreating an actual, anticipated, or imaginary scene. This scene would probably involve dialogue and/or action. The script for a role play involves two elements:

- A clear description of the starting point, for example, what is the context, what led up to the point where the role play starts, who are involved, in what capacity?
- An indication of how each person might react or behave after the role play begins – this is often referred to as their brief.

Please see Topic 6 for more-detailed information about how to devise role plays.

The role play should aim to be spontaneous within its established context. Role plays do not provide specific dialogue for the actors, nor do they have a predetermined outcome; their purpose is to explore what might happen and how different actions or statements might influence the outcome. Role plays also provide the opportunity for participants to experience how various situations or outcomes might feel.

When organising or using a role play, facilitators should bear in mind the stages through which the role play goes. The facilitator needs a clear plan that involves:

- Planning the role play in advance;
- Preparing the script in advance;
- Informing and engaging the participants;
- Running the role-play activity;
- Stopping the role play;
- Clearing unfinished business that might have occurred whilst role-playing;
- A short debriefing;

- Bringing the participants out of their roles;
- Debriefing the role play;
- Taking the learning from the role play;
- Transferring the learning to the real world.

If any of the above steps are incomplete or omitted, facilitators and/or participants are likely to experience problems.

Examples where role plays might be used effectively

- To provide participants with the experience of seeing a situation first-hand from the perspective of another person.
- In situations where there is a high degree of trust and understanding amongst the participants, and where there is sufficient time to run the role play effectively. They are not suitable for short-life groups or one-day training workshops.

12. SIMULATIONS

A simulation is an activity that attempts to replicate the dynamics of a complex situation in which people or processes interact with each other. Simulations are similar to role plays in that the participants learn by doing and experiencing. The main difference is that, in simulation, they remain themselves and do not take on new or assigned roles. A simulation may be used to examine how people or processes might react if certain events or constraints were allowed to happen. The main benefit of a simulation is that it provides the opportunity to experience a situation and participants' reactions. Although the processes are designed to be as close as possible to the real thing, they are still controlled within the exercise. In some simulations, experimentation is encouraged. As with role plays, the success of a simulation will depend largely on the quality of preparation.

The main steps to consider are:

- The simulation requires clear focus: What is the situation to be recreated by the simulation? What processes are involved in this situation? What is the simulation designed to illustrate?
- The function of each of the groups or individuals within the simulation must be identified. The greater degree of description, the closer the simulation may come to represent reality but the lower the scope for creativity and inventiveness by participants developing the role.

Examples where simulations might be used effectively

- When examining a complex situation involving a number of different individuals or agencies, for example, a discussion about the best interests of a particular child or group of children from the perspective of different individuals or agencies.

13. USING CARDS

Index cards or post-its, or indeed previously prepared and printed cards, can be used in a variety of ways in a training setting. This technique of offering participants a set of prepared and printed cards is especially useful when participants need to become more familiar with important information.

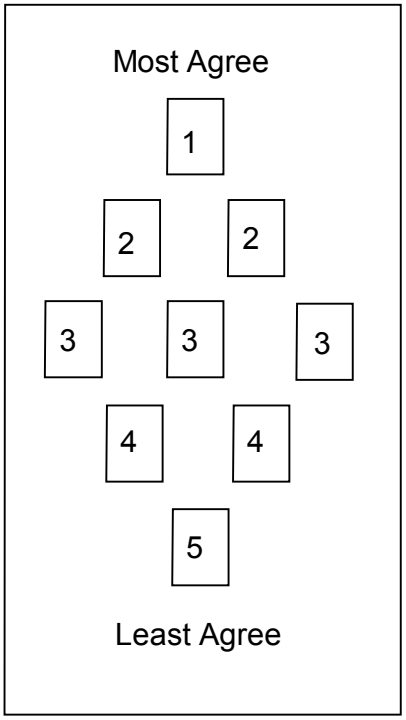
These card exercises can be used with participants for ranking, sorting, and prioritising, or as a follow-up to a brainstorming exercise where a large number of ideas have been suggested that then need to be processed (see section on brainstorming above).

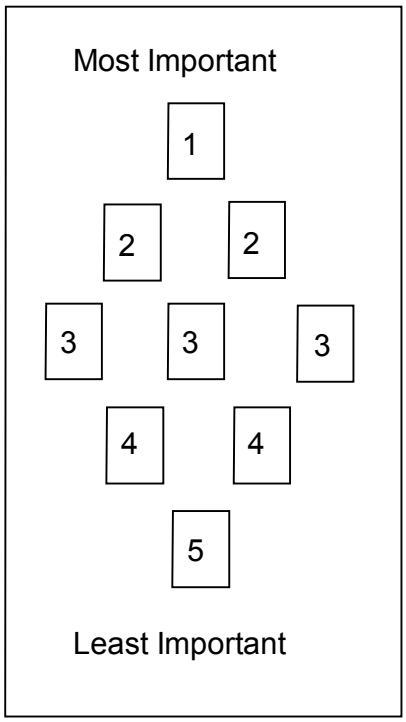
Methods:

Card sorts: Various ranking exercises are based on the use of index cards, each one containing one item from the original list of suggestions. Sets of these cards are given to small groups who, through discussion, sort them into their preferred order of priority. Sets can also be given to individuals who, having sorted their cards, compare their choices with another individual in the group.

Combined sort: In this variation of a card sort, each individual is given a complete set of the same cards. The individual then prepares his/her personal set of priorities. Individuals then combine as pairs and discuss their individual priorities and agree on a joint list. Pairs then combine as quartets to compare pair sets and produce an agreed set of priorities as a quartet. This process continues until one priority list is agreed and produced by the whole group.

Diamond ranking: A further variation of the card sort is best used when the facilitator has more control over the number of options available since it requires exactly nine items to be ranked or prioritised. One of the difficulties with ranking exercises is that people often want to give two or more items the same rank placement. Diamond ranking recognises that there is often a most preferred and a least preferred item and that the others are bunched up in the middle. The facilitator will have prepared sets of nine items on separate cards to be prioritised. Small groups are given a set of the cards and are asked to rank them in a diamond shape (see below).





The single items at the top and the bottom of the diamond are the most and the least preferred; the two items below and above these are the next in order; the three items across the centre are of middle order importance, with little to differentiate between them. This exercise is useful for those occasions where it is not easy/possible to rank strictly in order of preference sequentially.

Ranking and prioritising options are almost inevitable in most training courses where participants have the opportunity to generate ideas. The facilitator should have a repertoire of these techniques that can be brought out as required to suit the circumstances of the situation.

<u>Examples where ranking, sorting, and prioritising might be used effectively</u>

- To reinforce familiarity with specific clauses of a legal standard.
- When participants are required to make difficult choices between a number of alternatives.
- To explore underlying values in a non-threatening way.
- To examine differences of view between individuals and groups.

Situation cards: This exercise uses a number of postcards or post-it pads to present to participants examples of real-life situations that they may encounter and to encourage them to think about what they would do next in certain situations. Cards often take the form of:

- What would you do if…?
- How would you feel if…?
- What would your response be if…?

Method

Participants can work together in groups of five or six. Each group has a set of cards that are distributed to the participants who then take it in turn to read out their situation and describe to the others how they would react. Other members of the group are encouraged to add their reactions and responses and to suggest other alternatives. According to the needs of the exercise, debate can continue until the best solution is reached.

Examples of where situation cards might be used effectively

- Situation cards describing different options for the future development of a project can be used to clarify the implications of choosing certain courses of action.
- Where participants are exploring the ways in which they handle particular situations, cards can be developed and distributed for discussion.

14. PROBLEM-SOLVING

The objective of any problem-solving exercise is to encourage participants to learn new skills or apply existing skills to a situation. Numerous different problem-solving activities have been created by different trainers, and, in this section, it is possible to outline only a few of the different approaches.

Methods

Simulations: A simulation, such as the production of a news programme on video, is an excellent way of generating a dynamic problem that requires a creative solution and teamwork. (Simulations were described in more depth earlier in this section.)

Real problems: Some groups may be at a stage of development where they are ready to apply their skills and knowledge to tackle real problems that they face. In this case, the *group* and/or the facilitator should agree on the definition of the problem and use a variety of techniques, such as brainstorming, critical incident analysis, case studies, small groups, and role play to solve them.

Analysis: An essential part of problem-solving is to analyse the problem itself – what has caused the problem to occur? What are the different “components” of this problem? There are various techniques for facilitating analysis.

One example is SWOC analysis. SWOC stands for Strengths, Weaknesses, Opportunities, and Constraints – these four headings provide a structured way of reviewing any situation or event. By way of example, if we consider the question “How do we apply our new learning?”, this may generate the following questions.

Strengths: What are we good at doing? What have we gained? Where are we confident?

Weaknesses: Where are we vulnerable? What else do we need to do or learn?

Opportunities: How will we now use what we have learned, gained, or done in the future? Can colleagues or counterparts benefit from what we have learned?

Constraints: What might undermine this learning? What support is required to make sure our plans happen?

Method

This technique works best when participants work in small groups, each with a poster-sized version of the SWOC grid. They then complete each quadrant of the grid with their ideas. The finished versions can then be displayed, compared, and discussed.

Strengths	**Weaknesses**
Opportunities	**Constraints**

Examples of where SWOC analysis might be used effectively

- To review the current and future work of a team, project, or programme.
- To examine actions or proposals that a team or group may be considering.
- To review the decisions made in a case study exercise.
- To review or evaluate the learning.

Audits: This is another form of analysis that can be applied to situations where participants need to understand the various components of a situation or problem before they are able to decide how to deal with it. For example, participants may be asked to provide an audit of the services that they are currently offering to a community. They will develop the audit by checking and analysing their own skills or actions against a given set of criteria.

Examples of where audits might be used effectively

- In analysing what components of a whole programme participants are able to perform effectively.
- In analysing what parts of a programme may not be working.

15. PLANNING EXERCISES

This group of techniques is used after some learning or insights about a particular topic, or issue, have been acquired. Once the participants understand the issues involved, they are in a better position to consider how they should go forward, either individually or as part of a team. A planning, or **action-planning**, exercise towards the end of a course or workshop forms an important part of the process of transferring the work of the individuals within the group to the external world where this work will become a reality. It also provides time for reflection both about the course itself and its relevance to the participants' own working situations.

Method

There are many different ways of developing planning exercises. The facilitator can design a short pro-forma (to suit the training situation) that individual participants then fill in. Participants can work together to develop their own ideas for an action plan, guided by a series of headings suggested either by themselves or the facilitator.

Plans can be very simple: the facilitator might ask participants to think of an action point to address each of the following headings. STOP (one thing that you plan to stop doing); CONTINUE (one thing to continue doing); and START (one thing to start doing) as a result of this workshop. Or they can be very complex: using elaborate frameworks where participants are encouraged to answer the *what*, *who*, *why*, *when* and *how* questions for each of the actions that they plan to carry out.

A widely used management tool is the **critical path analysis**, or network analysis. This is a method of planning and controlling complex projects, with the objective of getting the right things done in the right order at the right time. The project is broken down into a number of separate activities, with a critical path diagram then showing the order in which each activity must be undertaken. The diagram will reflect the duration of each activity and specify the earliest date at which later activities can begin. Various activities may advance in parallel.

Each diagram is composed of activities and nodes. An activity is that part of the project that requires time and resources – it is represented by an arrow, running from left to right. A node is the start or finish of an activity, and it is represented by a circle. Each diagram must start and end on a single node, and no activity lines must cross each other.

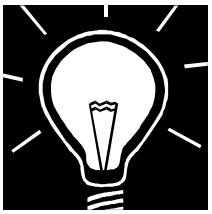
The diagram will thus show which of the activities are critical to achieving the objective – this means that if these activities are delayed, then the project will not be completed on time. Resources can then be concentrated on ensuring that these critical activities are completed on schedule. Other activities that are not critical have a degree of flexibility in the amount of time taken to complete them.

<u>Examples of where planning might be used effectively</u>

- Towards the end of a workshop.
- At the end of an important discussion where it has been clear that a change of policy or practice will be needed.

FIVE TIPS FOR SELECTING TRAINING METHODS

1. Look at the training objectives and consider what methods will best achieve these.
2. Consider the participants' experience and expectations – is this method the best way of getting participants to learn this topic?
3. Consider your skills, experience, and confidence as a trainer/facilitator.
4. Consider any special facilities, equipment, time, or other requirements needed to use the method.
5. Use a variety of methods to stimulate the senses but do not overload.



Topic 5

Introductions, Energisers, and Quick Review Methods

INTRODUCTIONS, ENERGISERS, AND QUICK REVIEW METHODS

This topic offers facilitators a variety of suggestions for exercises that can be used at the beginning and at the end of any training session. It also provides ideas for energising a group in the middle of a training session or at points when energy and concentration levels are low (e.g., immediately after lunch). What is offered here is a small menu of ideas. Facilitators may well have others that they are experienced in using. When facilitators are running training sessions for other groups of trainers (training of trainers), it is also a good idea to ask the participants to share any methods with which they are familiar. It acts as an energiser in itself if a small group of participants are made responsible for introducing energiser activities.

INTRODUCTIONS

Purpose

To enable people who are new to a training course to become acquainted with other participants and to help build a climate of friendliness and informality.

- **Who are we?**

1. Participants work in pairs, discovering basic information about each other: name, organisation and what the organisation does, their role in the organisation. Give each pair about five minutes to discover the answers. Then have the participants introduce each other to the group.
2. Each person is given a blank name tag and asked to put his or her first name or nickname on it, plus five words or brief phrases that can be used to start a conversation about oneself. The words should not tell a story themselves but should serve only as a catalyst for conversation between the pair. Examples could refer to one's hometown, a childhood favourite food, or a unique experience or interest.

   e.g. Mary (Mags)
   Paris
   Pot-holing
   Blue fish
   Jazz

   When everyone has written down their details, go into groups of two to three and see what discussion the badges provoke. After a few minutes, ask the

groups to change in order to encourage everyone to meet as many people as possible.

3. Each person is given a blank name tag and asked to complete the following:
   - My name is:
   - I have a question about:
   - I can answer a question about:

   Then allow up to 15 minutes for people to mix and discuss the name tags.

- **Names**

Ask each person to think about their first name and what it means to them, if they like it, or the real meaning of their name. Get each participant to come up to the flip chart and write their name and a statement about it. The group, including the facilitator, can ask questions for clarification or offer thoughts on the statement made.

- **Autographs**

Devise a short worksheet similar to the example below with a list of statements (up to 10), with space for a signature underneath each

Autograph Sheet

Try to find people for whom the following statements are true (one person for each statement). Ask each person to sign their name in the space below the appropriate statement.

1. Someone who has worked in their current job for more than four years.

_____

2. Someone who has more than three sisters.

_____

etc.

- **Dialogue booklet**

This booklet involves some preparation, but, as you ask people not to write in the booklets, it can be used over and over again. The front sheet should contain the following instructions:

Dialogue Booklet Instructions

- You should be sitting comfortably with your partner and free from distractions.
- You should NOT look ahead in this booklet.
- Each page has an open-ended statement that you and your partner should discuss.
- All the information you discuss is confidential between you and your partner.
- Each person should respond to the statement before turning to the next page.
- PLEASE DO NOT WRITE IN THIS BOOKLET.

On each of the pages of the booklet, there should be *one* (only one) of the statements below. Allow time for the participants, in pairs, to work their way through the booklet.

1. My name is ….
2. One of my favourite places is …
3. A pleasant memory from my childhood is …
4. My current job is …
5. What I like most about my work is …
6. The reason I am attending this training workshop is …
7. The best training course I ever attended was … because …
8. For me, the most difficult thing about training others is …
9. The person I have learned most from in my life is …
10. What I understand by the expression *participatory training* is ..
11. What I hope to learn by our working together is …
12. What I have enjoyed/disliked about this dialogue exercise is …

- **Pictures**

For group members who do not know each other, have them draw their names in pictures. The group then tries to guess the name.

For group members who do know each other, each person draws six pictures that identify important things to or about them. The group then has to guess who fits the set of pictures.

- **Stepping Stones**

Ask participants to work in pairs, interviewing each other. They should be asked to think of, and note down, five key events or “stepping stones” in their lives that are significant in bringing them to this point (and the workshop). Stepping stones may be:

- Childhood experiences;
- Influence of parents, relatives, or friends;
- Formal training experiences;
- Key events, meetings, reading;
- Changes in career, job experience;
- Any other key event.

After interviewing each other, participants can then feed back into the main group.

- **Lifelines**

Halfway down a piece of flip-chart paper (in landscape format), draw a line across, dividing the paper into two. Write the word ”work: in the top half and the word ”life” in the lower half.

Individual work (15 minutes):

Participants are asked to imagine that the left-hand end of the line is when they were born and the right-hand end is the present. They should write in the most significant events that have happened to them. If these events are related to work, put them in the top half; if not, put them in the bottom half. Participants should be prepared to discuss the lifeline with other participants.

Participants should make sure they put in the lifeline when they first got involved in work with refugees and when they started in their present job.

Group work (30 minutes):

Participants then get together in small groups of three to four and take turns telling the others about their lifeline. Participants should be encouraged to ask each other questions.

ENERGISERS

Purpose

To be used at any point that the facilitator thinks the group needs to change focus or to refocus or to be reacquainted if there has been a break in between sessions.

- **Tick Tock**

Participants sit in a circle. The facilitator takes two markers and hands one to the person on their right saying, “this is a tock”. The person who takes it from the trainer says, ”A what?”. The trainer replies, ”a tock”. The person then continues the process to their right. Then the trainer turns to their left and hands the second marker to that person, saying “this is a tick”, etc. Continue until a tick meets a tock and see what happens!

- **I like people who…**

One person stands in the middle of a circle of chairs. The person standing says, “I like people who like…” e.g., “I like people who like chocolate.” Everybody who likes chocolate then has to move across the circle to another chair. The person who is left standing then chooses their own like.

- **Something new**

For groups who know each other. Get participants to speak to as many people in the group as possible, finding something new about each person. Keep the time quite tight (e.g., five minutes) and make sure people keep moving.

- **Fruit salad**

This exercise is an excellent energiser. Form all the participants in a circle and ask each to sit on their chair or cushion. Make sure that there are no extra cushions or chairs. Starting with yourself (standing in the middle of the circle with no chair or cushion), allocate the name of a fruit to each person in turn. There should be four fruit names, for example, mango, apple, pineapple, orange.

Explain that when you call out the name of a fruit (for example, mango), all the mangoes should stand up and change places. They are not allowed to sit back in the same chair. However, the caller in the middle should also try to sit down on a vacant chair. Because there is one fewer chair than people, this means that one person will end up without a chair. That person must stand in the middle and call out the name of a fruit. Again, all the people with that fruit name must change places, and so on.

At any time, the caller can shout “fruit salad”. Then everyone must change places!

Continue for a few rounds or until everyone is exhausted!

- **Elephants and giraffes**

Everyone stands in a circle. One person calls out the name of a participant followed by ”elephant”’ or ”giraffe”. For ”elephant”, the named person holds out their arm like a trunk. The people on each side make the ears using their outside arms. For ”giraffe”,’ the named person raises both arms above their head with the hands clasped to make the giraffe’s head. The two people on either side extend their outside legs forwards to make the giraffe’s legs. Anyone who is slow or does the wrong thing has to call out the next name and animal.

WEB SITES

For other energisers (check for cultural suitability), visit the following web sites:

www.nwlink.com/~donclark/leader/icebreak.html

www.cornell.edu/Admin/TNET/Icebreakers/Icebreakers.html

www.ort.org/anjy/gamebook/

QUICK REVIEW METHODS

Purpose

Facilitators need to know how a training workshop or course is going. It is not enough to wait until the end of a session to ask participants if they felt that the course was valuable: strategies must be in place for continually checking with participants that the workshop objectives are on target in relation to the content and structure of the workshop. Revisions to both structure and content must be considered if the participants record that they are not satisfied with the way in which the workshop or training event is developing. A number of quick review methods, which will provide facilitators with essential feedback, are suggested below.

- **Talking wall**

The talking wall is a group exercise that provides opportunities for all participants to respond to open questions or statements from the facilitator, to evaluate a session, to record attitudes to a given topic, or to comment on a given aspect of the training session. The exercise is conducted in such a way that all comments are public for others to read and supplement in an interactive way.

Several flip-chart sheets are prepared as posters by the facilitator in advance. Each poster contains an open statement printed at the top (e.g., "What I think is missing from this workshop is…"). The sheets are placed around the walls of the room where everyone can read them. Each participant is given a marker and invited to walk around the room adding appropriate comments to each sheet. Alternatively, each person may be given a supply of post-it stickers and a pencil and asked to write comments on separate stickers that are then posted on the most appropriate sheet. Everyone should be encouraged to read the comments written by others. This technique is thought-provoking and good fun to do for virtually all groups.

- **Feedback rounds**

Rounds provide a quick and simple method of gathering an instant reaction from all participants to the current state of the course or group.

At a suitable point in the programme – usually at a natural break or between exercises or before moving on to a new topic – the facilitator announces that s/he would like to hear from all the participants how the course (or the most recent part of it) is going. The idea is to receive quick, impressionistic responses, *not* analytical or detailed answers.

- **Choose your corner**

Set up four flip-chart sheets, one in each corner of the room, each with the title of a session from the previous day (or a subject area). Ask participants to go to the subject that most interested them the previous day. The group gathered around each sheet brainstorms about the main things they learned about the session. These are written up on the sheets. Feedback from each group should be requested in sequence.

- **Bus stop**

Using the same format as ”Choose your corner”, participants are allocated to four groups. Each group spends two minutes at each “bus stop”, brainstorming about learning points. Each group moves around to the other bus stops in turn, adding anything they learned to the lists. Feedback from each bus stop.

- **Clap, clap, <word>**

Everyone stands in a circle and is given one minute to think of one word (only) that summarises how they feel as a result of the training session. Start a round by clapping hands twice and asking the first person to say their word; then clap twice and the next person says their word, and so on around the circle. Get a good rhythm going:

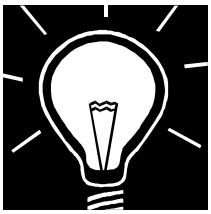
Clap, clap, <word>, clap, clap, <word> … going right round the group.

Stop the clapping and ask each person, in turn, to explain briefly why they chose their word.

End with another round of clap, clap <word> (repeating their chosen word).

- **Continuum cards**

These can be used to check participants’ views of the workshop. The facilitator should write pairs of cards and set them out as a continuum on the floor with a few metres between the cards. Examples of pairs would be: very interesting ←→ very boring; very relevant ←→ not relevant. Participants are given a blank card and asked to vote (anonymously as far as the facilitators are concerned) by placing their card on the appropriate place on the continuum.



Topic 6

Devising Case Studies, Role Plays, and Exercises

INTRODUCTION

This Resource Pack contains extensive training material for all the topics. However, these materials may need to be adapted for a number of reasons:

- The local situation, programme, or organisation presented might not be relevant to the intended participants;
- The Resource Pack material may be culturally unsuitable for the location or the country;
- The facilitator may wish to introduce different training techniques to those proposed in a particular exercise;
- The facilitator may wish to stress different learning objectives.

In these circumstances, the facilitator may have to modify existing material or develop more-appropriate materials.

Writing customised material for individuals or groups to use requires time and patience, but it is not difficult if some straightforward steps are followed.

1. Review your learning objectives for the training and be sure about what participants are expected to be able to do, know, or be aware of.
2. Be clear about what you want participants to learn or create from the material. This can include:
    - Reviewing specific ideas;
    - Reviewing legislation/polices or procedures;
    - Reviewing previous experience;
    - Analysing situations, plans, or programmes;
    - Solving specific problems;
    - Selecting alternatives from options;
    - Developing an action plan.
3. Select the training method you want to use. If you are not sure about the most suitable method to choose, refer to the descriptions in Topic 4 or look at examples.
4. Write the material and check to ensure that it addresses the learning objectives you established earlier.

5. Pilot the material by using it with colleagues. If this is not possible, ask colleagues to read and give you feedback on the material. This step is extremely useful and can avoid simple oversights or unclear instructions before the materials are used in the training setting. Make any necessary changes.
6. Use the materials and ask for feedback from participants. Use the feedback to continuously improve your training material.

Specific guidance is given below for case studies and role plays.

WRITING CASE STUDIES

Case study exercises can be divided into three separate parts:

Part 1: A briefing sheet for the facilitator

The briefing sheet could have the following suggested headings:

Learning objectives

It is best to limit these to two or three in number.

Case summary

A two- or three-sentence summary that focuses on the main points of the case for the benefit of the facilitator.

Time required

A realistic estimate of how much time is required for reading and discussion.

Materials required

Including a copy of the case study handout and a separate handout with the discussion questions.

Suggested discussion questions: understanding the case

Always include in the facilitator's notes some suggested questions (no more than four) that should relate to the learning objectives and enable the participants to develop an interesting discussion. Always use open questions (i.e., ones that begin with What …?, Why …?, Who …?, Where …?, When …?, Which …? and How…?), as these encourage discussion. Other facilitators may choose to develop their own questions, but some examples can be very helpful.

Discussion questions: applying the learning to participants' own situation

These can be general questions that encourage participants to relate the case to their own situation. Examples might be:

Which parts of the case discussion remind you of situations you have to deal with?

What do you plan to do differently as a result of what you have learned?

The rest of the story

If the case is based on a real situation, it can be interesting for participants to know what actually happened. Always ensure that participants realise that this is not to be considered the "correct" answer.

Part 2: The text of the case

Select a situation from your own or your organisation's experience that reflects the issues you wish to explore. Are there any real-life situations that are close enough to work as a case study? If yes, then use that as the basis of the case study. If no, then write a situation or scenario that will address the issues to be explored. The level of complexity or difficulty needs to be carefully developed. The case study needs to challenge participants, but a solution to the problems posed should be achievable.

The case study should describe the events in the form of a story. The text should provide insights into the dilemmas or problems faced by those in the story. The case study should include a decision point, when the central problem or issue is posed to the reader. The decision point can be told in more than one way: the story can be told from a personal perspective with the decision point at the end; the decision point can come at the beginning of the story, with events leading up to that point coming next; or the case can be told from the personal point of view of several individuals before the decision point is reached.

The following checklist[1] may be helpful when writing the text:

- Don't present too many issues. Allow the problem to stand out clearly.
- Avoid over-generalisation, and focus on the detail that underpins the learning objective.
- Try to raise issues that are widely relevant.
- Don't leave room for assumptions. Participants should be able to draw as much information as they need from the handout.
- The characters and the situation should be as realistic as possible. Direct speech can be helpful here.
- The decision point of the case should be the climax; it should try to recreate the tension in the situation.
- Present as much data as necessary with as little interpretation as possible. The idea is to make the participants grapple with all the possible meanings of the situation and develop their own interpretations.
- Creative ways of presenting information can help bring a case to life. It may help to introduce pictures, drawings, illustrations or maps.
- Keep the language simple and easy to understand. Avoid jargon at all costs!
- As with any writing, keep the potential audience in mind.
- If possible, test the case out with colleagues before using it with participants.

The text of a case study should normally be no longer than one side of A4 paper. This makes it possible for participants to read it at the beginning of the allocated time for the exercise. Some excellent case studies can provide enough useful

[1] This checklist and other guidance in preparing case studies is from James Taylor, Dirk Marais, and Stephen Heyns (eds.), *Community Participation and Financial Sustainability: Case Studies and Lessons from Development Practice*, Juta and Co./CDRA, Wetta, South Africa, 1998 (ISBN 0 7021 4629 3).

material in two or three well-written paragraphs. The text should provide enough background information to enable the participants to place the issues covered in context but not so much that participants feel that it is not relevant to their situation. Aim for a balance between making the situation seem real and believable whilst avoiding unnecessary detail. Remember, the purpose is to generate learning, not to overload participants! The same applies to the number of questions; fewer are better than more.

If the situation is complex and requires more than one side of an A4 page, try to give it out to the participants in advance of the training session to enable them to read the case carefully and check their understanding.

Part 3: A question sheet

Carefully prepare three or four questions to generate the outcomes set out in the learning objectives. Since a case study may be used in a variety of settings with different types of participants, the questions need to be carefully prepared for each set of learning objectives. For this reason, it is better to prepare a separate sheet for the questions rather than include them on the same sheet as the text of the case.

ROLE PLAY

A role play centres on creating a learning opportunity using drama with dialogue and action. This combination of action and dialogue can be referred to as a script. When devising a role play, unlike a theatrical play, the script is incomplete in order to allow the participants to contribute their views to the proceedings.

A role play should include two key elements:

- A clear description of the starting point, for example, what is the context, what led up to this point, who is involved, in what capacity?
- An indication of how each person might react or behave after the role play begins – this is often referred to as their brief.

When preparing the role play, it is important that everyone is clear about the starting point. The following list presents a number of issues that should be considered by the facilitator.

- Clearly establish the learning points that you wish the role play to address. It is best to limit the role play to two or three key learning points.
- Select a situation that reflects the issues you wish to explore; remember, it has to be an active situation to work, as a role play requires participants to act and engage in dialogue and discussion with each other.
- Clarify the role-play scenario in advance. It can be a real situation or a situation constructed to bring out particular learning points. Unlike case studies, role-play scenarios are often better when ”manufactured”, rather than using real situations.
- Prepare the script scenario, giving adequate detail for participants. If it is intended to limit the range of options that participants can select, then the script must be quite tightly written. If the intention is for participants to fully explore a

range of options, then the scenario can be more open. Do not overload with unnecessary detail. Remember, the purpose is to generate learning.

- Prepare the participants' briefs for the role play. As with the script, these can be open or tight. The detail for each brief must be adequate for the participant to be able to participate fully and thus get the maximum learning from the experience. Normally, one paragraph should be enough to brief each participant about their role.
- Decide whether all the participants will be involved in the role play or whether there will be observers. It is usually better to limit the number of participants to the number of meaningful roles rather than try to provide everyone with a part. Those participants who are not actively role-playing can become observers who watch closely what unfolds and give valuable feedback and commentary after the role-playing has ended.
- If there are observers, they should be provided with an observation sheet that includes the script scenario, the participants' briefs for the roles involved, and a number of specific requests for what the observer should be observing. An observer may be asked to track one particular character in the role play or to examine a specific issue (for example, how conflict was addressed) or may simply be asked to report back on what they saw happening during the role play.
- Prepare questions for debriefing the participants in order to bring out the key learning points. There should normally be no more than three or four questions.
- Prepare any notes for the facilitator to aid the effective running of the role-play activity. This should include notes on de-roling participants prior to the general debriefing from the role play.
- Prepare a facilitator's checklist of the key learning points to be examined during the role-play debriefing. This could include some questions to encourage participants and observers to reflect on what they learned and how they might apply the learning in their work.

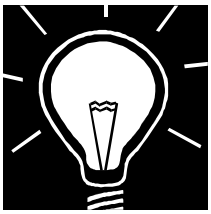
OTHER EXERCISE MATERIAL

Writing other material may be more difficult depending on the level and complexity of what is proposed.

Exercises such as simulations, problem-solving, situation cards, and material for small group discussions are relatively straightforward to produce, providing that similar rules and guidelines outlined above for case studies and role plays are followed.

Care needs to always be taken to ensure:

1. Relevance to the local situation;
2. Cultural sensitivity;
3. The material produces the type and range of learning desired;
4. The training method is within the skill and capacity of the facilitator.



Topic 7
The Use of Audio-Visual Aids

INTRODUCTION

The purpose of any audio-visual (AV) aid is to add to, and complement, the methods and design selected by the facilitator. They are not substitutes for teaching the material. Research shows that the more senses used when taking in information, the better the retention of that material. Audio-visual aids are an important way of adding to the variety of senses used.

- Audio-visual aids should not be used to cover material that the trainer has not introduced and developed during the session.
- They are not substitutes for using appropriate methods. Sometimes, facilitators can use AV aids as an alternative to putting the time into selecting appropriate methods.

The most commonly used audio-visual aids are:

- Flipcharts;
- Whiteboards and chalkboards;
- Overhead projectors (OHP);
- Models;
- Photographs, posters, and maps;
- Films;
- Videos;
- Slides.

It is possible to enhance all training sessions with the use of good audio-visual aids. Sometimes, simple examples, pictures, or hand-produced work can be more effective than a computer-generated audio-visual aid. The most commonly used ones in the Resource Packs are flipcharts, whiteboards/chalkboards, and overheads. This topic will review the use of these three audio-visual aids. They have three general applications.

1. **Participants' input**: participants are encouraged to write down answers and ideas in groups, or individually, for later discussion or use.
2. **Facilitator usage**: key or important words, phrases, and ideas from the session can be written on a flip chart, whiteboard/chalkboard, or OHP as the facilitator leads the group through the learning.

3. **Prepared material**: the facilitator prepares material before arriving at the workshop (this usually applies to flip charts and OHPs, as it is difficult to prepare boards in advance).

The following are ideas and good practices to improve the use of these three AV aids.

FLIP CHARTS & WHITEBOARDS OR CHALKBOARDS

These are the simplest of the audio-visual aids, because very little can go wrong. Stick newsprint on a suitable wall as a good substitute if a stand is not available.

The size of the trainer's writing is important if the material is to be read. Write clearly and increase the size of the writing if the audience is farther away.

Colour is important: Remember to use strong or bold colours and avoid red and green together, as, with colour blindness, this can occasionally cause confusion.

OVERHEAD PROJECTOR

The OHP is very simple. There are two main things that can go wrong. A bulb or a fuse can blow, both of which are very simple to fix. Make sure you know where replacements are before you start. If the electricity goes off, there is little you can do about this except have alternative ways to share the information.

OHPs are easiest to use if prepared in advance. The main ways to prepare the materials are:

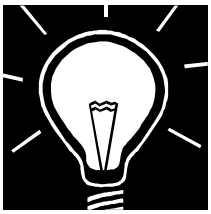
- To write on the transparencies with either permanent or water-soluble pens. These come in a variety or colours, shapes, and thickness.
- To photocopy material. Ensure the transparencies are suitable for the copier!
- To use standard computer word-processing packages or specialist programmes to produce high-quality and multi-coloured material. Transparencies can be printed using ink-jet, bubble-jet, and laser printers.

There are some simple rules that will help the use of OHPs:

- Do not overload each transparency with too much information. The content of each sheet should be readable in a short time and made up of the key learning points.
- Do not use too many transparencies. Avoid projecting each and every idea onto the screen; overusing transparencies will reduce their individual impact.
- Turn the OHP off when not in use. It is a powerful visual stimulus and easily distracts the participants' attention away from what the trainer might be saying or doing.
- Use a large, bold, and plain type face. The larger the room and the farther away the group, the bigger it should be: a minimum is 16-point and, if possible, in bold.
- Finally, the trainer should read from the projector (or from notes) and not the screen, face the audience, maintain eye contact, and engage them directly.

FIVE TIPS FOR USING AUDIO-VISUAL AIDS

1. Use them to focus participants' attention on the key learning points.
2. Don't overload overheads with too much information.
3. Less can be better than more. Use audio-visual aids for maximum effect, not as a crutch.
4. Be aware of clarity of writing and size of writing when using flip charts.
5. Be prepared to deal with problems.



Topic 8
The Use of Handouts

Each handout should have a clear purpose relating directly to the content of the material being worked on by the group.

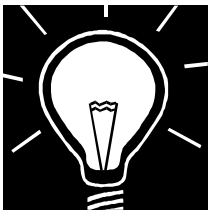
Handouts can be used:

- To summarise the key points;
- To convey instructions;
- To provide supplementary information to that contained in the main presentation;
- To provide illustrations and examples of materials discussed in the main presentation;
- To outline or present abstract or complex ideas or material.

Handouts should be prepared on separate sheets of paper with clear headings, structure, and layout. Where a series of related handouts are being prepared, it is helpful to use a consistent style and to number each one consecutively.

The following points may be regarded as tips in the preparation of handouts:

- Avoid lengthy handouts and too much detail; they reduce the chance of the material being read or used;
- Avoid unnecessary jargon or abbreviations that may confuse readers;
- Use pictures, charts, and diagrams to convey ideas whenever possible;
- Use larger print sizes and good spacing of text to aid reading;
- Tell people in advance that a handout will be issued so that they concentrate on listening.



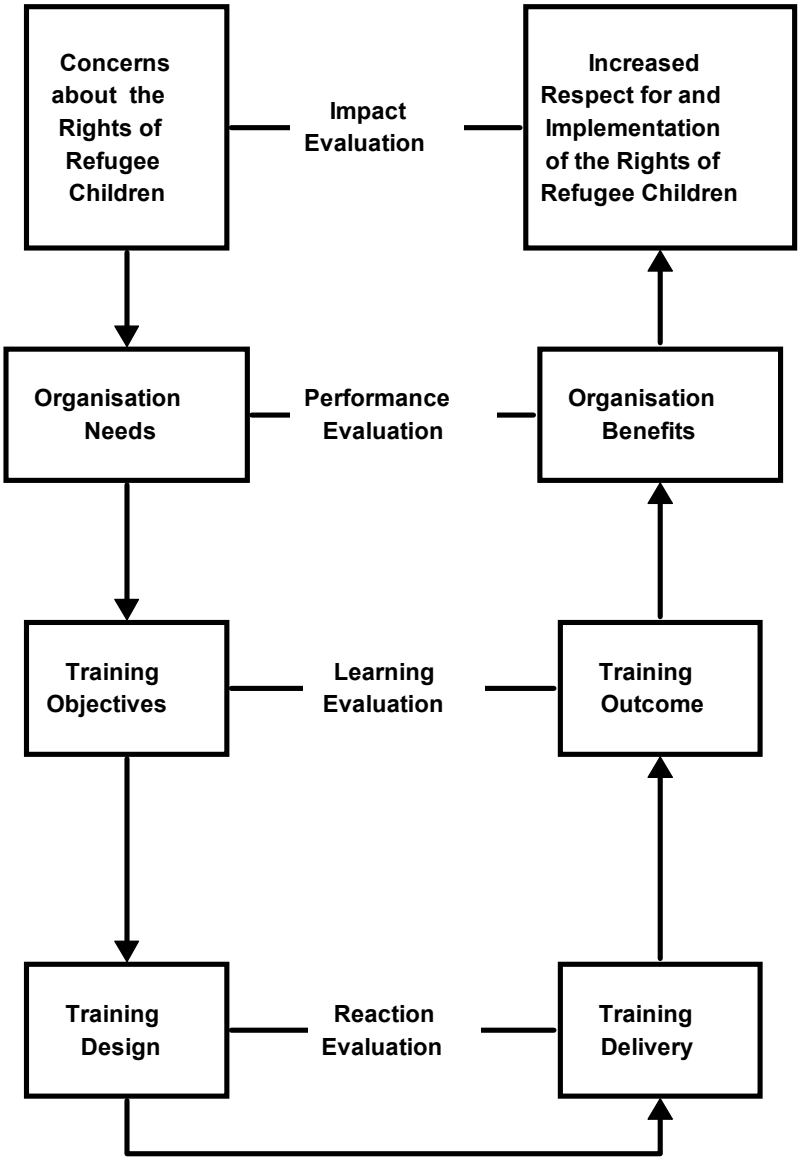
Topic 9
Feedback and Evaluation

Evaluation of training is something that facilitators often talk about but rarely carry out effectively. Most facilitators are content with written evaluations at the end of workshops. Some may include the opportunity for oral feedback sessions, but rarely are these fully utilised by the facilitator, who often seems concerned (even frightened) by what the participants might say.

A major gap in evaluation is the failure by the facilitator to find out if the training objectives have been achieved, and this section examines some important aspects of evaluating the training process. Remember that evaluation is about the whole training process and not just the training event.

The following diagram has been used in a number of training-of-trainer courses. It illustrates the different levels of evaluation that are necessary at the different key stages of promoting and achieving change.

Facilitators will recognise that they are not responsible for all parts of this process, but it is important to understand where training fits into this process and what exactly the facilitator is responsible for evaluating.



REACTION EVALUATION

This measures the reaction of the participants to the whole, or a section, of the training.

Good feedback is essential for facilitators to improve their own effectiveness and the quality of the programme. Throughout the workshop, feedback must be continually sought from participants to ensure that the facilitator is aware of the effectiveness of the programme and can tailor the programme to the distinct preferences of every group of participants. Structured feedback is equally important for participants to feel a sense of ownership over the training process and to allow participants to vent frustrations.

An important element of this process is the use of a reaction questionnaire at the end of the event – often dismissed as “happy sheets” – that tries to ascertain how people feel as a result of the training.

The main difficulty in reaction evaluation is to devise a way of accessing useful information without frustrating the participants because of its length.

LEARNING EVALUATION

This measures changes in the participants' skills, knowledge, attitudes, and practice, by comparing pre-training standards with post-training results. Post-training does not always mean at the end of the whole workshop or programme, it can be after the completion of specific parts of the event.

Learning evaluation starts during the training. Ways of monitoring whether or not the participants can do the things set out in the training objectives must be built into the programme.

This can be done in a variety of ways;

- Practical tests
- Written tests
- Case study exercises
- Problem-solving exercises
- Any other method that shows that the participants can do the things contained in the objectives.

It is important that the participants know the results of this monitoring because they need to be clear how they stand in relation to completing the training objectives.

PERFORMANCE EVALUATION

This measures the change in the participants job performance over a period of time, which can be attributed to the training by comparing the participant's performance before and after their attendance at a training event.

This part of the evaluation process checks that the identified training needs (which were the basis of the training) have been satisfied. Participants may be able to satisfy the training objectives on the course, or workshop, but the real test is if they can put the learning into practice on the job.

Performance evaluations can only be conducted several weeks or even longer after the training – and then repeated several months later to check for further changes over time – using methods similar to those used in carrying out a Training Needs Analysis.

IMPACT EVALUATION

This is long-term evaluation and usually outside the remit of the facilitator. It will normally be carried out by training officers or departments when the organisation needs to know how effective its overall approach to training is.

A comparison of the productivity, effectiveness, or performance of all or part of the organisation or particular parts of its work. These are then compared after a programme (not just one workshop or course) of training and development. The effect or the impact is then assessed to find out if the training has made a difference.

EVALUATION TECHNIQUES

As already mentioned at the beginning of Topic 3, the materials in this Toolkit focus on training in a workshop environment. Clearly, in such a setting the facilitator has a responsibility for performing reaction, as well as learning, evaluation. The following are some suggestions on techniques that may be helpful to the facilitator but that could be adapted or developed to be used with other sorts of evaluation.

Self-assessment Activities

These comprise any technique in which group members are invited to reflect on and assess their own level of skill, knowledge, or awareness. Self-assessment can be carried out to introduce a new topic, focus the group's attention on the current topic, and inform the facilitator about existing levels of ability or attitudes. It can also be used as part of a subsequent evaluation of what has been learned as a result of the training. Techniques often used within a self-assessment activity include questionnaires, rating scales, and sentence-completion exercises.

Variations on this approach could include peer evaluation, or monitoring and evaluation by supervisors. Each type should have a clear structure that everyone involved is aware of, and the structure should include provision for prompt feedback and guided follow-up.

Checklists

These are similar to self-assessment activities and are used by groups to remind themselves of the key points about a subject or to rate themselves against some key criteria. Most checklists are prepared by the facilitator in advance. The checklist looks something like a shopping list in that it lists headings and points in some sort of order without going into detail on any one. As a self-assessment exercise, participants tick off items on the list that they have collected or completed; or they answer a simple "yes/no" when assessing their own abilities against a set of criteria.

Rounds

Rounds offer a quick and simple way of gathering instant reactions and feedback from all members of the group on a current issue. When the facilitator wishes to hear the views of everyone in the group, they call for a round. A straightforward question is asked of each person in the group, and they are given the opportunity to reply without comment being made at that point on those replies.

Evaluation Forms

The pre-prepared evaluation form provides a structured way of gathering information in written form from all participants after an event. Findings may be collated and summarised in an evaluation report. Evaluation sheets may take many forms: short or long; quantitative or qualitative; personal or anonymous; process-oriented or outcome-oriented. See **Handout 9.2** for a straightforward example of a standard short course evaluation form.

There are three basic styles of reaction questionnaires.

1. Boxes to be ticked, which indicate how each participant felt about various aspects of the training. Their advantage is speed and simplicity, but their

disadvantage is that, because of their simplicity, it is not always clear what is behind the particular score.

2. A series of open-ended questions that encourage the participants to write their reactions to various aspects of the training. The advantage is more detail, but their disadvantage is that they take longer to complete.

3. A combination of the above two forms, which maximises their advantages but sometimes their disadvantages as well.

Questions that should be asked on these forms include those concerning:

- The administration of the training;
- The physical environment;
- What people found useful or unhelpful;
- Training methods, style, structure, and process;
- The facilitation style.

These forms are designed for use at the end of the training and should be completed before participants leave. It is important that facilitators build in sufficient time at the end of the training for this.

Oral Feedback Sessions

It can also be useful to have a final oral feedback session between the participants and the facilitators. Most facilitators set up sessions, but these often fail due to poor structuring. The facilitator needs to assist the process by providing the participants with a structure. This can be a set of questions reviewing the workshop. Alternatively, the participants can work from their expectations, defined during an opening session. The facilitator should then sit down and listen to the participants. The exchange should not be about answering what is said, but about listening and understanding everyone's perspective of the event, the facilitator, the structure, and the style of the training.

One variation is to set up an exchange a short time after the event. This has the advantage of giving participants time to be more reflective about the process.

The Facilitator's Review

Another useful training evaluation is for the facilitator to set a personal review list before the start of the training, then use it to carry out a review of the event with a colleague who is also a facilitator. This can provide the facilitator with valuable insights and assist in their development.

Remember that, as with most parts of the training process, evaluation is dependent on good preparation and adequate amounts of time for each stage.

FIVE TIPS FOR EVALUATING A TRAINING SESSION

1. Plan the evaluation when you are planning the training session.
2. Be clear what you want to evaluate before you start.
3. Ensure that any feedback to participants is clear and understandable.
4. Provide time for feedback from the participants.
5. Select the best approach to get the best information from the particular group.

Handouts

1.1	The Learning Cycle
1.2	Learning Options
2.1	Training Plan Checklist
2.2	Selecting and Briefing Trainers
2.3	Checklist for Training Administration
2.4	Checklist for Course Preparation
3.1	Designing the Training Event
4.1	Evaluation
4.2	Workshop Evaluation Sheet

Handout 1.1

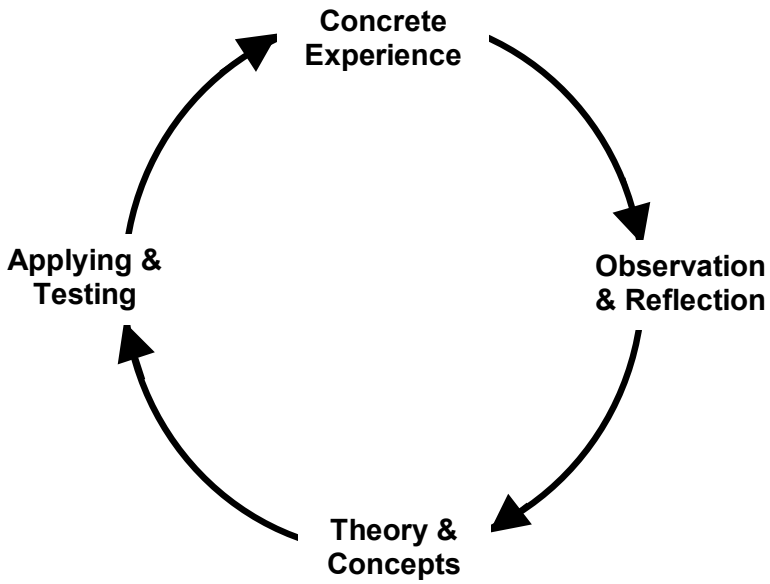
The Learning Cycle

Research on how adults learn most effectively shows that training tends to be more successful when:

- Participants have been involved in defining or refining their own learning objectives;
- The content is focused on real problems faced by the participants;
- Training is undertaken in a varied and participatory environment.

This thinking underpins one of the standard models of training, known as the learning cycle, illustrated in the diagram below. Developed by David Kolb, it draws the close link between doing and learning. The learning cycle involves experiencing, observing, thinking, and applying.

Learning Cycle (David Kolb)



Handout 1.2
Learning Options

Learning Type	Learning Options
Certification *Confirmation*	Assessment centres Analysis of benchmarks Tests/examinations
Sharing *Reinforcement*	Workshops Seminars Networking Video conferencing
Independent Application *Skills*	On-the-job training Task-based training Missions and assignments Action learning
1 on 1 *Skills & Knowledge*	Guided missions and assignments Coaching Shadowing Mentoring Guided/structured reading
Self Study *Knowledge*	Reading Videos Computer-based training (CD-ROM, Intranet, Internet) Distance-learning Courses External study
Orientation *Awareness*	Workshop/seminar Video CD-ROM

(Source: "A Strategy for Enhanced Staff Development (Draft)", Office of the United Nations High Commissioner for Refugees, Geneva 2000.).

Handout 2.1
Training Plan Checklist

Training Plan Checklist

1) Why should the course exist?
   Who wants it to run?
   Is your institution/department the appropriate body to offer it?
   Will there be enough demand?
   What is the political climate on this subject?

2) What are the characteristics of the participants?
   What will the participants be like?
   What previous experience is needed?
   What are their reasons for taking the course?
   How much will they vary in ability, interest, etc.?

3) What are the aims and objectives of the course?
   How specific should they be?
   Who formulates them?
   Are there process or product objectives or both?
   How will they be used?

4) What is the content and sequence?
   What is the content?
   How will you organise content?
   Will there be any options?
   How can you make it interesting?

5) What is the best use of time?
   What is the overall length?
   How do you use blocks of time?

How do you fit the course into the pattern of the participants' other commitments?
How flexible can the timing be?

6) How do you teach it?
What methods are feasible?
What methods are appropriate?

7) What resources are needed?
What staff are required?
What learning spaces do you need?
What learning materials are required?
What equipment is needed?

8) How should the participants be assessed?
Is assessment necessary?
What is the purpose of assessment?
What methods will you use?
Is the assessment appropriate?
How do you use the results?
At what point(s) in the course do you assess?

9) How should it be managed?
What are the administration problems?
How much will it cost?
How will it fit into the broad development structure of the organisation?
How do you monitor and improve the course?

10) How should it be evaluated?
What is the purpose of the evaluation?
Who should do it?
What sources of information will you use?
What methods of evaluation are appropriate?
How will you use the results?

Handout 2.2
Selecting and Briefing Trainers

(1) The organisation needs to be clear about what they want from the trainer.

- How clear are you about what your training needs are?
- What do you want the training to achieve? Describe the changes you want to occur and the skills, knowledge, and attitudes you want to develop.
- How have you identified your training needs?
- What is the position of the participants within the organisation?
- How will the training be reinforced back in the work place?
- What is the level of participants' experience with the topic of the training, is this new or refresher training for them?
- How many people are involved?
- What is the availability of the participants?
- Where do you want the training to be held?
- What are the approximate budget limits?
- Who is responsible for what in the process?

(2) The organisation selects an appropriate trainer.

The criteria for selection should include:

- Expertise in the topic or area of learning;
- Previous experience in similar organisations;
- Background of trainer;
- Style of trainer;
- Equal opportunities;
- Cost;
- Availability;
- Evaluation process;
- Training objectives presented by the trainer;

These can be obtained by asking the trainer, speaking to other agencies the trainer has worked for, speaking to other people in the training field, and getting good written material from the trainer.

(3) The trainer clarifies the expectations and needs of the organisation.

This is best done at a face-to-face briefing session. Where possible, it is useful to involve a possible participant, as this gives both the trainer and the participant a chance to clarify each other's expectations.

The organisation should ensure that the trainer understands the organisation, its work, and the purpose of the training.

The trainer should also be clear about the intent of the training within the organisation and what has been agreed about the organisation of the training,

(4) The organisation and trainer agree terms of reference and, where appropriate, a contract.

Where a written contract is required, this should now be exchanged between the organisation and the trainer. This can come from the organisation or the trainer but should be agreed by both parties. The contract should include:

- Training objectives or statement on the content.
- Dates, times, and place of training.
- Fee and what that includes.
- Cancellation and postponement conditions.
- Agreement about administration.
- Any other conditions.

Think about the types of guidance notes an organisation might issue to trainers, including the type of materials, language, etc. These should be given to the trainer and discussed when discussing the contract.

(5) Contact between the organiser and trainer before, during, and after the event.

During the event, the person responsible or their delegated agent should meet with the trainer before, during, and after the event. The purpose of these meetings should be to ensure that the training is going as planned and to discuss any difficulties as they occur. The evaluation process will have been agreed before the event. The trainer and the person managing the training will have to follow this through and ensure that information about the effectiveness of the training is collected at the end. After the training, it is useful to debrief the trainer. This can be in a face-to-face meeting, telephone discussion, or written report from the trainer.

Handout 2.3
Checklist for Training Administration

1. Has the trainer been identified and booked and briefed?
2. Has the venue/facility been booked?
3. What resources are needed and have they been booked?
4. What support staff are required?
5. What learning materials are required and have they been organised?
6. What equipment is needed and has it been booked?
7. Has the training been advertised? Or have participants been notified?
8. Have participants' managers been notified?
9. Have joining instructions been sent?
10. Have catering arrangements been confirmed?
11. Has a welcome for participants been organised?
12. What methods of evaluation are being used and are they prepared?
13. Has evaluation material been collected?
14. Has the trainer been debriefed?
15. Have payments been made?
16. Have equipment and materials been returned?
17. Have follow-up letters been sent?

Handout 2.4
Checklist for Course Preparation

The following is a comprehensive checklist, produced by the AIT NGDO Management Training Programme, for organising a major training event. Whilst not all the points may be relevant to every training programme, it provides a comprehensive overview of the issues that may need to be addressed when organising training.

COURSE: _____

SCHEDULE: _____

VENUE: _____

SCHEDULE/ACTIVITIES	***DONE***	***DATE***
I. 12 MONTHS BEFORE THE COURSE 1. Prepare budget and consider alternative funding strategies. 2. Prepare proposal and secure funding.		
II. 9 MONTHS BEFORE THE COURSE Fix place and time and make bookings (if funding is agreed).		
III. 6 MONTHS BEFORE THE COURSE 1. Identify resource persons and check their availability. 2. Prepare brochure and call for participants.		
IV. 4 MONTHS BEFORE THE COURSE 1. Correspond with resource persons (RPs) and/or respective organisations regarding tentative course content, schedule, and arrangement with RPs. 2. Correspond with the funders for final arrangement of the proposed programme contents and schedule.		

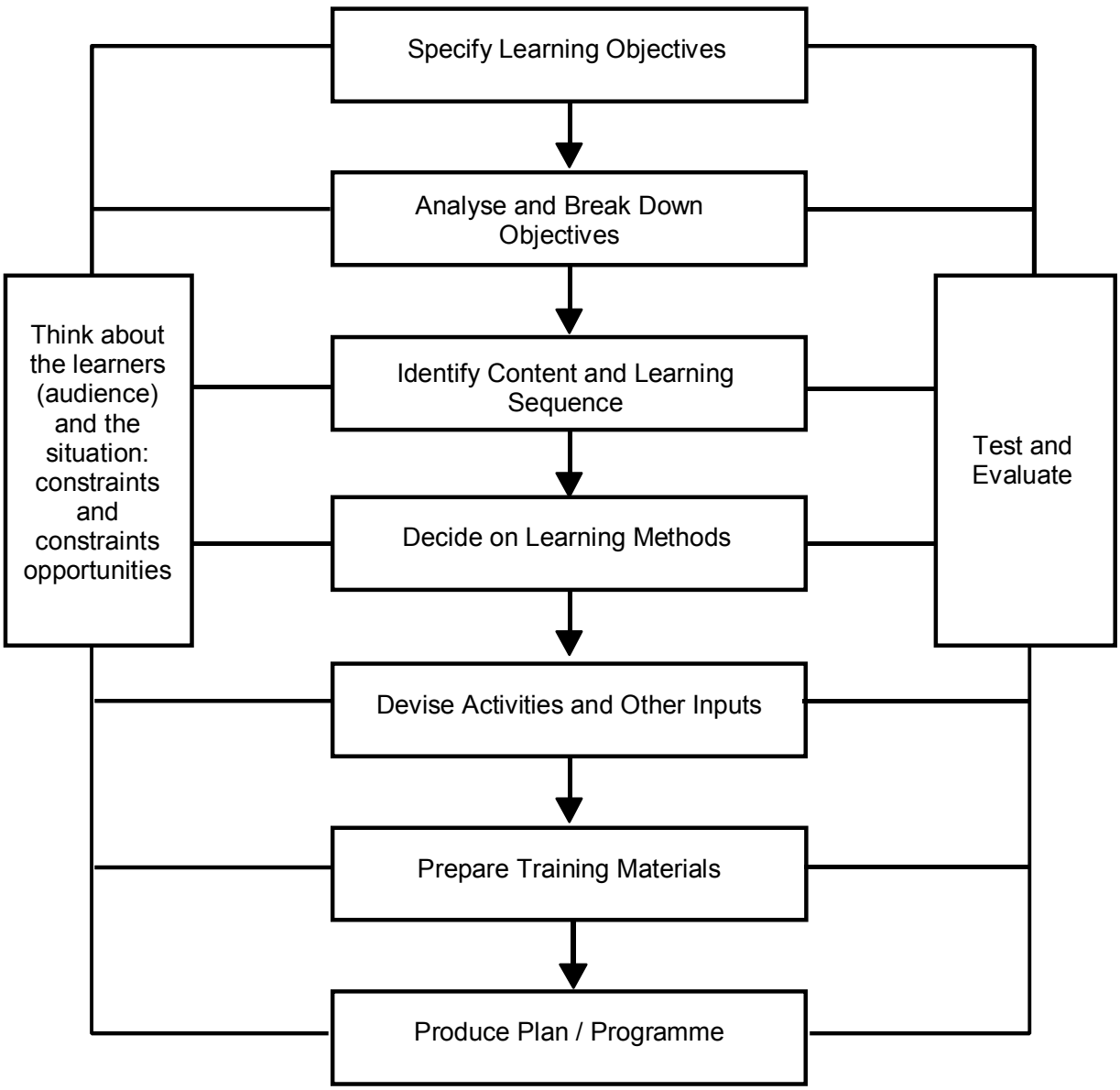
V. 3 MONTHS BEFORE THE COURSE 1. Correspond with applicants and/or respective organisations regarding admission and funding status of the applicants. 2. Make a tentative list of applicants. 3. Book accommodation and training venue.		
VI. 2 MONTHS BEFORE THE COURSE 1. Communicate with RPs and/or respective organisations to finalise course contents and schedule. 2. Communicate with participants and/or respective organisations/donors to finalise the list of participants. 3. Send invitation letters and detailed workshop information to the participants. 4. Request participants to secure visas, or make necessary arrangements with embassies to arrange visas for participants if needed. 5. Prepare training materials. Assemble available materials; prepare additional updated materials and/or case studies.		
VII. 1 MONTH BEFORE THE COURSE 1. Send invitation letters to RPs, including request for updated materials. 2. Arrange travel tickets for participants and RPs if necessary. 3. Contact accepted participants to get their flight/travel details (date, airline/bus/train, time of arrival). Request them to bring required documents, photos, calculators, etc. 4. Prepare schedule and make necessary arrangement for field trips if needed. 5. Book computer facilities if needed.		
VIII. 2 WEEKS BEFORE THE COURSE 1. Communicate with participants to confirm their attendance and arrival (if not yet confirmed). 2. Finalise the list of participants. 3. Send invitation to presiding person and guests to opening ceremony and reception (if appropriate). 4. Arrange preparations for venue and other function rooms, including banners inside and outside the classroom, needed equipment, sound system, lights, arrangement of tables and chairs, etc.		

5. Finalise course materials and training guidelines. 6. Prepare detailed budget for the course. 7. Arrange catering services for snacks/coffee/tea breaks, and/or lunches/dinners. 8. Request cash advance (where applicable) for RPs' honorarium, participants' per diem, field trips, and/or other expenses.		
IX. 1 WEEK BEFORE THE COURSE 1. Book transportation to pick up RPs and/or participants from the airport or bus/train stations. 2. Book transportation and hotel for field trips if needed. 3. Prepare nametags, registration forms, course evaluation forms, stationery, nameplates, programme for opening ceremony, folders, pens, and other supplies needed for the course. 4. Prepare the course information package for the participants (guides, maps, programmes, registration forms, invitations, advance reading materials, etc.) and give to hotel front desk for distribution upon participants' arrival. 5. Book photographer for the opening ceremony (if appropriate). 6. Prepare temporary receipt for collecting fees and/or providing per diem.		
X. OPENING DAY 1. Before arrival of participants, check the readiness of the venue, banner, sound system, room arrangement, course materials, stationery, forms, etc. 2. Collect the registration forms. 3. Collect photographs for ID (if necessary) and participants' profile. 4. Prepare ID cards for the participants (if necessary). 5. Collect fees and accommodation fees (if needed). 6. Distribute per diem to participants and/or RPs (if needed).		
XI. DURING THE COURSE 1. Prepare a list of names, position, passport numbers, organisation, and contact numbers of the participants and ask them to verify these for any correction. 2. Request travel agency to reconfirm tickets of participants or RPs if applicable.		

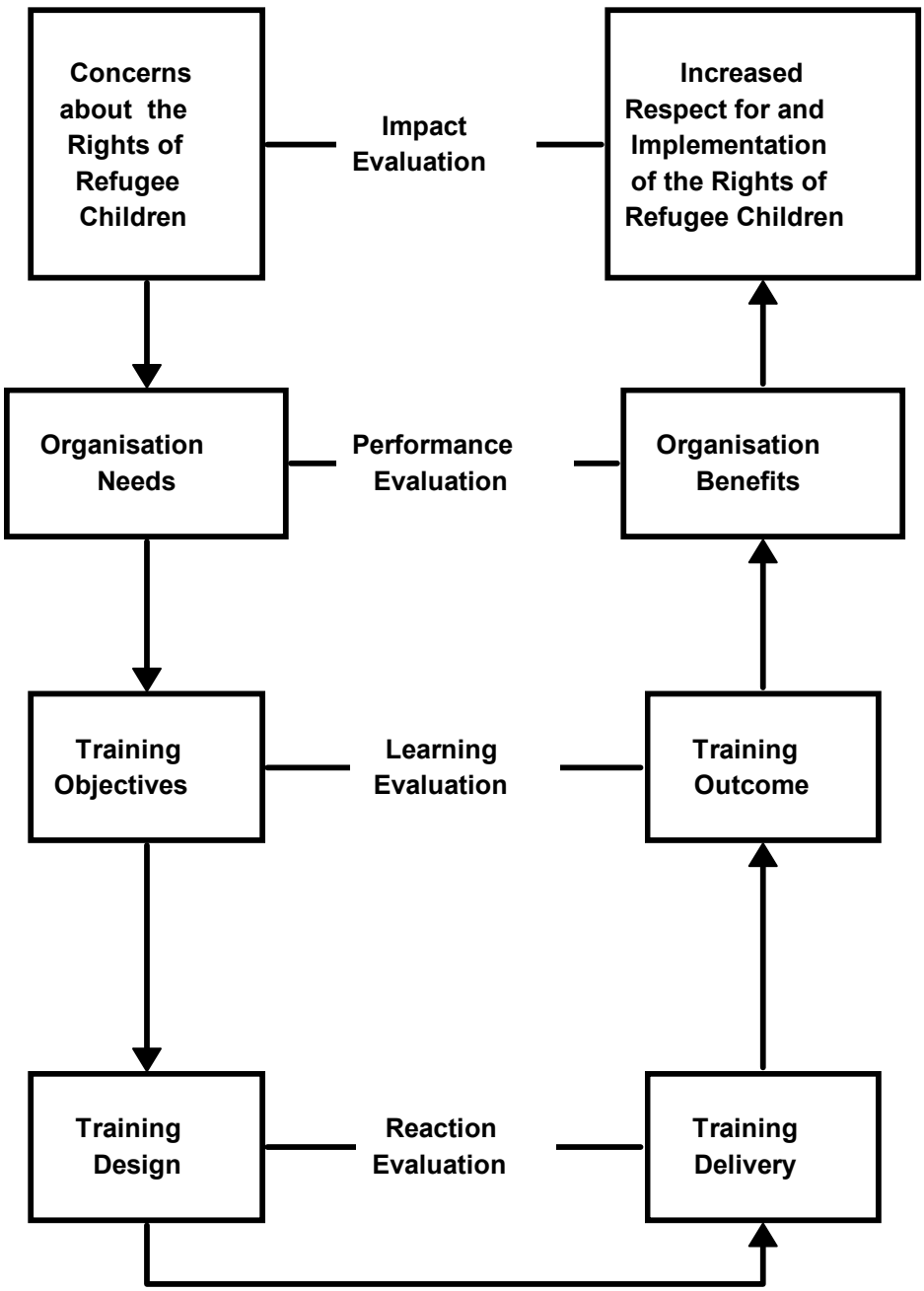
3. Check the day-to-day course operation. Supply stationery and other needed materials on time. 4. Distribute honorariums to RPs on the last day of their presentations. 5. Check payments of tuition and other fees; arrange billing and follow-up. 6. Distribute, collect, and summarise the daily course monitoring forms. 7. Finalise arrangements for transportation, accommodations, venue, and programme for field trip if applicable. 8. Distribute field trip schedules, literature, and other related information to the participants before the trip. Advise them to check out of the hotel during long and distant trips. 9. Prepare for the closing ceremony (at least two weeks before the date); settle venue, catering services, transportation if needed. Prepare programme and send invitations. 10. Prepare certificates for participants. 11. Book transportation to send RPs and participants to airport or bus/train station. 12. Check participants' personal debts owed to the hotel, library, clinic, etc. and remind them of their obligations discreetly. 13. Distribute and collect the overall course evaluation form.		
XII. AFTER THE COURSE 1. Arrange transport for participants to airport, station, etc. 2. Clear all promissory notes for cash advance. 3. Check the budget spending; follow up the billing and payments that are not yet paid; finalise accounts. 4. Send follow-up messages to participants if there are any. 5. Prepare report. Send copies to participants, RPs, funders, and other co-operating organisations.		

Handout 3.1
Designing the Training Event

The flowchart below outlines the specific tasks that the planning group should carry out in designing the training event:



Handout 4.1
Evaluation



Handout 4.2
Workshop Evaluation Sheet

WORKSHOP EVALUATION SHEET

TITLE OF COURSE _____

DATE _____ FACILITATOR _____

VENUE/LOCATION _____

Please rate these aspects of the course on a scale

1 = poor, 2 = moderate/satisfactory, 3 = good 4 = very good, 5 = excellent

1. Helpfulness in increasing the effectiveness of your work in this area:

1 2 3 4 5

Comments: (Optional)

2. Facilitator's approach: Comments: (You may wish to comment on pace/balance/variety/use of teaching aids/attitudes)

1 2 3 4 5

Comments:

3. Content: Was the content at the right level? **Yes/No**

Comments:

4. Please comment on the methods used:

5. Is there anything about this course that you would like to have been done differently?

6. Suggestions for future training sessions:

NAME: _____

JOB: _____

Further Reading

Howie Armstrong, Bruce Britton, and Tim Pickles, *Developing Training Skills: A Trainer's Guide to Experiential Learning*, Pavilion Publishing, Brighton 1996. *A useful training manual that takes an experiential approach to helping trainers develop their skills.*

Nicola Harford and Nicola Baird, *How to Make and Use Visual Aids*, VSO/Heinemann, London 1997. *Illustrated, practical handbook on using visual aids for development and education.*

Rolf Lynton and Udai Pareek, *Training for Development*, Vistaar Publications, New Delhi 1990 (ISBN 81 7036 129 X). *Good background reading on training in developing countries.*

Open University (1995): 'People and Potential' Distance Learning Pack. Open University Press, Open University, UK. *An excellent resource with a wealth of information on planning training sessions, planning training events, choosing methods, adapting learning materials and coping with contingencies.*

Tim Pickles, *Toolkit for Trainers*, Pavilion Publishing, Brighton 1999 (second edition). *An excellent compendium of techniques for trainers, which is referred to extensively in the ARC Facilitator's Toolkit*

Jules Pretty, Irene Gujit, John Thompson, and Ian Scoones, *Participatory Learning and Action, A Trainer's Guide*. IIED, London 1995 (ISBN 1 899825 00 2). *Training manual with many participatory exercises for use in development. Includes material on PRA and also has good background material on adult learning.*

Phil Race and Brenda Smith, *500 Tips for Trainers*, Kogan Page, London 1995. *An excellent dip-in resource of 500 practical tips covering organising the venue to coping with the unexpected.*

Kerry Thomas and Theresa Mellon, *Planning for training and development: A guide to analysing needs*, Save the Children UK, London 1995. *A very practical introduction to training needs assessment developed for humanitarian organisations.*

How to Organize a Training Workshop, Office of the United Nations High Commissioner for Refugees, Geneva 1993. *This has a very useful section on the "countdown" to a course and what needs to be done by when.*

SENIOR MANAGERS PACK

Global Overview

The **key objectives** of the Reach Out training project include **anchoring protection experience and expertise within humanitarian assistance organisations** and **enhancing support at the level of senior management** for **programming in the area of refugee protection**.

From the outset, the Reach Out training project recognised that after strengthening organisational know-how on refugee protection through training, it was equally important to gain the **ongoing support of senior managers** to create an environment for practical refugee protection activities. Senior managers can do this in two ways: first, by supporting ongoing training; and second, through **refugee protection programming and institutionalisation of refugee protection**.

The target audience for this training pack includes **senior managers** of NGOs and humanitarian actors at the field or headquarters level who have **responsibilities for refugee protection and assistance work** and who would like to further consider ways in which to **institutionalise refugee protection into their organisations**.

The training pack aims to **inform** this audience about the content of the training and the link between protection and humanitarian assistance, and to **discuss** how to incorporate the principles of refugee protection into programming. Much of the content of this training kit is drawn from the Reach Out training project package, which is designed to raise awareness on refugee protection for humanitarian field staff.

It consists of **two modules of 90 minutes each**:

- **Module 1 Refugee Protection: "From Global…"**
- **Module 2 "… To Local": Opportunities!**

Together with **additional tools**:

- **Handouts;**
- **A sample agenda for a three-hour senior managers workshop; and**
- **Slides for the presentations.**

The link between **"global to local"** and **"local to global"** is central to setting effective refugee protection standards and creating programmes informed by these standards.

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Module 1 Summary 3

Module 1 Breakdown 4

Module 2 Summary 12

Module 2 Breakdown 13

Trainer Guidance - Sample Agenda 25

Preparation

- Review the materials in the **handouts,** which provide an overview of some of the key debates in refugee protection;
- Visit the websites of some of the key actors involved in the refugee protection debate to inform yourself of current debates. These websites are noted in the annex listed as "Web Sites and Online Sources";
- Review the news section of the UNHCR web site to learn about current refugee crises in order to gather current case examples that you can refer to in your presentation. You are not expected to be an expert, but it will enliven the work you are setting out to do with senior managers by illustrating your points with actual situations in refugee protection;
- You should be sensitive to the different levels of engagement that the senior managers may have on the topic of refugee protection. Some of them may have a great depth of experience in refugee protection as a concept and in practice. Before the workshop, you should try to identify senior managers who might be used as peer trainers and recruit them to lead a part of the workshop or to work through one with you as the facilitator;
- It is critical when working with senior managers that you recognise that they have serious time limits, as well as varying degrees of expertise and responsibility. You should acknowledge their expertise and tailor these materials to fit the group;
- Decide which materials you want to send out to the senior managers in advance of the session, if any. It is recommended that you send them **Handouts 1 and 4,** as this will be only a few pages of text for them to read and will increase the level of debate. This will depend on the group of managers and their level of knowledge;
- **In any case, select and adapt carefully the materials for this session.**

Note to trainer

Point out the continuing need for training on refugee protection

- ✓ *This is based on lessons learned during the past four years of training experience in Reach Out and a comprehensive evaluation showing the positive impact of the training and the continued need for it;*
- ✓ *Clear evidence that there will be a long-term need for training humanitarian staff on:*

  - × *What refugee protection is;*
  - × *The role and responsibilities of their own organisations;*
  - × *Their role and responsibility as humanitarian workers;*
  - × *The role and responsibilities of other actors, including UN agencies;*
  - × *Linking lessons learned at the local level with improvements in refugee protection programming and institutionalisation of refugee protection.*

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SENIOR MANAGERS PACK

MODULE 1

REFUGEE PROTECTION: "FROM GLOBAL…"

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Module 1 Breakdown 4

Activity 1 - Defining Refugee Protection 5

Activity 2 - Current Key Debates in Integrating Refugee Protection 8

Summary

Refugee protection is important to all humanitarian assistance organisations, not just the UNHCR. All actors that provide protection and assistance to refugees are accountable for how they provide protection.

This module aims to define refugee protection, reflect on their organisations' role in refugee protection, and discuss how to enhance refugee protection in their field-based programmes. Following this, it is suggested that senior managers embed Reach Out training on refugee protection in their organisations as an important part of their work to enhance refugee protection.

The module links the global activities of the humanitarian community to define refugee protection and to define appropriate programmes at the local level where field staff implement programmes and meet the challenge of refugee protection on a daily basis.

Senior managers will have an opportunity to review some of the **key current debates in refugee protection and assistance** and will look at **the concept and definition of refugee protection** in order to show why they need to invest in ongoing training of their staff.

They will be provided with a quick overview of the history of the Reach Out project and guided through the **Reach Out Project Training Kit**.

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Learning Objectives

By the end of this session, senior managers will:

- Agree on what is meant by refugee protection and the link between humanitarian assistance programmes and refugee protection;
- Have an increased knowledge of the global environment that humanitarian workers operate in with its increasing demands for refugee protection activities;
- Be aware of the current debates/issues on refugee protection and the need for ongoing training to enable effective refugee protection programming in changing contexts.

Key Messages

- The global context of humanitarian protection and assistance work involves a wide range and number of actors, demands are high, coordination is complex, and the ground shifts rapidly;
- Increasingly, humanitarian workers recognise that everything they do and do not do affects the protection of those they are serving and that every type of assistance has a protection element;
- Demands are being placed on humanitarian actors to be accountable in new ways and to ensure that their programming respects the principles of refugee protection;
- Standards for refugee protection are based on a high level of international consensus and are articulated in a range of documents in the areas of international human rights, refugee, and humanitarian law;
- It is vital that humanitarian assistance workers be informed of, and understand what is meant by, refugee protection in order to integrate them into their programming in a way that favours the refugee and host community.

Module 1 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Defining Refugee Protection	45'	Presentation	Slides Handout 1 - Definition of Refugee Protection Handout 2 - Statements on Refugee Protection Handout 3 - Key Documents and Web Sites Handout 4 - Enhancing Learning at Field Level Trainer Guidance – Sample Agenda for a 3-Hour Senior Managers Workshop
Activity 2 - Current Key Debates in Integrating Refugee Protection	45'	Senior manager peer-assisted group work	
Total: 90 minutes			

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Activity 1 - Defining Refugee Protection			
Timing		**Method**	**Resources needed**
Introduction	10'	Plenary	Slides
Group work	15'	Group work	Handout 1 - Definition of Refugee Protection
Feedback and wrap-up	20'	Plenary	Handout 2 - Statements on Refugee Protection
Total: 45 minutes			

Note to trainer

- ✓ *Refer to **Module 1** of the **Reach Out Project Training Kit** and to "Overview" in* Protecting Refugees: A Field Guide for NGOs..
- ✓ *The trainer needs to convey what is meant by the term* refugee protection *and to give the participants time to discuss their views. It is likely that the concept of refugee protection will be a contested point. However, the trainer can allow this debate whilst still emphasising that managers have a role in training their staff in refugee protection and in institutionalising refugee protection in their organisations' programmes.*
- ✓ *In order to give senior managers time to share the concepts associated with refugee protection, the following breakout session is suggested. The goal is to get them to agree that a positive approach to training their staff will help, and not hinder, them.*
- ✓ *You should provide a copy of "**Handout 1 - Definition of Refugee Protection**, which shows how refugee protection is defined by the ICRC and the UNHCR. You will want to refer to this handout when introducing the topic. You should emphasise that the ICRC definition agreed to by the Inter-Agency Steering Committee should be the one they refer to.*
- ✓ ***Warning:** It is not for the trainer to sort out any lack of agreement amongst the humanitarian community on what their respective responsibilities are in refugee protection. There will be a range of views and beliefs amongst the participants. This can simply be accepted, and the trainer can reinforce that there is an increasing amount of reliance on all actors having responsibilities for refugee protection at all stages of flight and that this will depend on their institutional role, activities, and mandate.*

Slide 1: The Senior Managers Pack

Give a very brief overview of the Senior Managers Pack.

Introduce the two modules.

Introduction (10 minutes)

Slide 2: Module 1

Slide 3: Objectives - Module 1

Briefly review the **module's objectives** with the group to ensure that they understand the scope of the session.

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By the end of this session, senior managers will:

- Agree on what is meant by refugee protection and the link between humanitarian assistance programmes and refugee protection;
- Have an increased knowledge of the global environment that humanitarian workers operate in with its increasing demands for refugee protection activities;
- Be aware of the current debates/issues on refugee protection and the need for ongoing training to enable effective refugee protection programming in changing contexts.

Ask if there are any **significant concerns**, but do now dwell on this.

Note any concerns on a flip chart and come back to these at the end of the session.

Introduce the topic by explaining

Explain that **what is meant by protection and the responsibilities of actors is still the subject of some controversy** despite over a decade of efforts on the part of the humanitarian community to define and operationalise protection.

The purpose of this session is to get senior managers to discuss key concepts relating to protection and to report their findings back to the group.

Ask them to refer to "Handout 1 - Definition of Refugee Protection" for a quick overview of the definition of refugee protection.

Encourage the group to answer each other's questions and to make use of the expertise at the workshop.

Group work (15 minutes)

Assign one of the key statements from "**Handout 2 - Statements on Refugee Protection"** to a group of four or five participants.

If you judge the exercise to be too difficult given the mix of workshop participants, then choose only two of the statements to limit the feedback and discussion. If that is the case, it is highly recommended that you choose **Statements 1 and 2,** as they will get to the heart of the discussion more readily.

Note to trainer

✓ *If you decide to choose only **one or two statements,** it is important not to give Statement 2 only.*

The trainer needs to convey what is meant by the term refugee protection and give the participants time to discuss their views. It is likely that the concept of refugee protection will be a contested point. However, the trainer can allow this debate whilst still emphasising that managers have a role in training their staff in refugee protection and in institutionalising refugee protection in their organisations' programmes.

The groups will have **20 minutes** to discuss the statement and to answer the following:

- What are the protection issues that it raises, and do you think that training your staff on refugee protection can address these issues?
- What does this statement imply about institutionalising refugee protection in your organisation?

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Feedback and wrap-up (20 minutes)

Bring each group back to plenary and ask for feedback to the three questions that each group has discussed.

Identify common responses that will help the group to focus on the following:

- Humanitarian actors have to determine how to incorporate refugee protection into their programming work without endangering their mandate or presence;
- There have been advances in understanding how to apply the principles of refugee protection in humanitarian work, and these lessons should be learned;
- Training staff on refugee protection will contribute to improving the final result of humanitarian activity through improved programming, which will often be about making practical adjustments.

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Activity 2 - Current Key Debates in Integrating Refugee Protection			
Timing		**Method**	**Resources needed**
Introduction	10'	Plenary	Slides
Presentation	15'	Slide presentation	
Wrap-up	20'	Plenary discussion	
Total: 45 minutes			

Introduction (10 minutes)

Explain that the purpose of this activity is to explore refugee protection through reference to a few key current debates. This will help to show empathy with the challenges senior managers face in applying these standards, and it will also demonstrate WHY refugee protection is important to organisations involved in providing humanitarian assistance.

Emphasise that, as senior managers, they have a role and responsibility in ensuring that international standards of refugee protection are met.

Slide 4: Key issues

- The debate about assistance and protection;
- Linking theory and rights to humanitarian action and practice;
- Roles and responsibilities of mandated agencies and governments in relation to protection.

Ask if there are other issues that are missing from the list.

Outline why these are issues that are currently being discussed in the humanitarian sector.

Emphasise that, in each major aspect of their activities as mangers/leaders in the area of humanitarian work, there is a link to a standard/principle of refugee protection that could help them in their work.

Ask managers to reflect on these themes and then hold a plenary discussion. A good general question to ask is:

- What is meant by "designing and implementing programmes through a protection lens"?
- If the protection lens is not there, what can and does go wrong?

PowerPoint presentation (15 minutes)

Note to trainer

- ✓ ***Remember:*** *The presentation should not be a lecture, and senior managers will want to react to the issues raised.*
- ✓ *You are not required to go through each point in detail – they have been provided to ensure that you have important context to the debate on hand. The key to this session is to give the backdrop to refugee protection challenges so that senior managers see the relevance of training their staff in the area of refugee protection.*
- ✓ *As you go through the presentation, refer to the relevant modules in the* ***Reach Out Training Kit*** *in order to provide a quick overview of the materials.*
- ✓ *Illustrate the slides with examples of current refugee situations or ask the participants if there are any examples they would like to offer to establish the point.*

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Opening of slide presentation

In the past few decades, international human rights law has developed, and this development has been accompanied by determining WHO has responsibility for delivering on these rights. It is no longer the case that the state remains the only party responsible for ensuring that rights are respected. It is accepted that non-governmental entities, private actors, and the international community will be held accountable for respecting human rights.

Slide 5: Sound familiar?

Does any of this sound familiar?

- It's not our role to protect refugees; it is the role of the UNHCR and of governments; our role is to provide assistance;
- What does the delivery of food assistance, health care, and medicine have to do with standards for refugee protection?
- How can we as humanitarian actors be expected to become advocates for refugees' rights when it might compromise our ability to deliver assistance?
- Protection is not our primary role; we protect through assistance;
- The role of humanitarian actors is to use their access to negotiate with responsible authorities to make them accountable, to do no harm, and to complement the role of mandated agencies.

It is now accepted that protection and assistance are closely linked because assistance cannot be properly provided without considering protection. **The "Do No Harm" principle** implies that all humanitarian activities have protection implications and humanitarians must think carefully about the impact of programmes on communities. **A protection lens** can **strengthen activities** and ensure they are **achieving the desired results**.

Some experts in humanitarian protection and assistance have said that the past decade of efforts to broaden the concept of refugee protection in humanitarian work has failed, so we must ask **to what degree a culture of protection does exist** and to build on lessons learned and good practice.

But, **significant efforts** have been made by the Inter-Agency Standing Committee (IASC) the ICRC, ALNAP, the ICVA, and the UNHCR, amongst others, **to agree a definition of protection** and to show why refugee protection is important to humanitarian assistance organisations.

It can be concluded that there are now **accepted and clear definitions of refugee protection** and that **the current challenge is how to implement refugee protection** through agency mandates, programming, and broader efforts at institutionalisation. There is **a need for training**, **at all levels**, on what is meant by refugee protection and how to link protection to assistance.

Slide 6: Linking theory and rights to humanitarian action and practice

Brief mention must be made of the search over the past decade to define refugee rights and to relate these to humanitarian protection and assistance models.

The humanitarian assistance community has drawn on its own resources and held a number of stock-taking meetings and has worked with the human rights community and the UN to develop an approach to ensuring that refugee protection standards are fulfilled at the field level.

The ICRC's concept of protection is widely accepted by humanitarian organisations: protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., human rights, humanitarian and refugee law) and that in practice this needs to be done in a non-discriminatory way.

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Slide 7: Types of protection activities

In terms of practice, the ICRC has developed a theory (which works in practice!). Protection work includes three types of activities:

- Responsive action (to deal with a current abuse, aimed at preventing recurrence and stopping it, or alleviating its immediate effects);
- Remedial action (to restore people's dignity and ensure adequate living conditions subsequent to a pattern of abuse through rehabilitation, restitution, compensation, and reparation);
- Environment-building action (to create/consolidate an environment – political, social, cultural, institutional, economic, legal – conducive to full respect for the rights of the individual).

All of these relate directly to a concept of refugee protection that is firmly linked to refugee rights as defined in international law, such as international human rights law and international refugee law.

The **Reach Out Project Training Kit** seeks to raise awareness of refugee protection as defined in refugee law and to link that firmly to the humanitarian assistance model.

Slide 8: It is your role and responsibility…

Governments have primary responsibility for protecting refugees; however, they are not always willing or able to take that role up.

In the area of protection, there is a constant need for cooperation, complementarity, and identification of clear roles and responsibilities of actors.

The UNHCR has a specific mandate for refugee protection and is the custodian of the 1951 Convention on the Status of Refugees. The UNHCR's responsibilities and the population they seek to assist has evolved over time, including, for example, protection and assistance in some IDP situations.

When the international community mobilises resources for the benefit of refugees, it is clear that **all humanitarian actors have responsibilities** for ensuring that they work in accordance with agreed refugee protection standards.

Slide 9: Refugee protection through…

Humanitarians can enhance refugee protection through:

- Coordination;
- Access;
- Complementarity;
- Advocacy to accompany humanitarian action;
- Institutionalising protection through programming and staffing initiatives.

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Wrap-up (20 minutes)

Note to trainer

✓ ***Choose one or two appropriate questions*** *from the following list depending on your audience and time constraints.*

To wrap up this quick overview session, you should prompt a quick discussion with a couple of the following questions:

- How do refugee protection standards relate to their humanitarian assistance work? Do they agree that refugee protection standards are an integral part of humanitarian assistance programmes?
- Is it possible for humanitarians to incorporate refugee protection activities into their work without endangering their mandate or presence?
- Can they share an example of a success of humanitarian actors working according to refugee protection standards?
- Are there concrete examples of how following refugee protection standards in their work has jeopardised their ability to provide assistance?

Alternatively, **you might want to give some of the following examples** to spark discussion on the protection and assistance debate in more concrete terms:

- Great Lakes region: infiltration of camps by combatants; placement of camps close to borders; no early prospect of voluntary repatriation, etc.
- Sudan and Chad: mass flight after protracted conflict; no early prospect of voluntary repatriation, etc.
- Kosovo: Macedonia closing and blocking borders; early, spontaneous return; discriminatory practices in distribution of assistance along ethnic lines in Kosovo, etc.
- Guinea, Liberia, and Sierra Leone: sexual exploitation of girls by UN and humanitarian staff; prevalence of female-headed households, poverty in host countries, etc.

Think of events in relation to refugee movements in the region you are conducting the training in and choose examples that will not be seen as targeting a particular actor.

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SENIOR MANAGERS PACK

MODULE 2

"… TO LOCAL": OPPORTUNITIES!

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Summary

In this session, the senior managers will build on their knowledge of current refugee protection debates gained in "**Module 1 - Refugee Protection: 'From global…'**" in order to see the importance of embedding Reach Out training on refugee protection in their own organisation.

Based on the overview of the foundation and history of the Reach Out training project and the quick review of the training materials their staff will use, the senior managers will now have an opportunity to see how to link the lessons learned from the training into a broader context of institutionalising refugee protection, not only by conducting training, but in their programming activities.

It will become clear to them that, as their field staff gain in their ability to work according to the principles of refugee protection at the local level (according to the mandate and capacity of their organisations), this will need to be met at the global level with appropriate responses in programming.

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Learning Objectives

By the end of this session, participants will:

- Understand what improvements this training will lead to in the work their staff do in protection and assistance;
- Be aware of the importance of field staff engaging at the local level in identifying the role of other actors in refugee protection;
- Consider how to familiarise their staff with the key messages of the Reach Out training project;
- Consider how to increase their role in relation to refugee protection training in order to improve refugee protection programming.

Key Messages

- The standards on refugee protection at the global level are evolving, and humanitarian actors have key responsibilities in the area of refugee protection;
- Refugee protection needs to be institutionalised;
- Institutionalising is based on including protection into programming and training on refugee protection.

Module 2 Breakdown			
Timing		**Method**	**Resources needed**
Activity 1 - Institutionalising Refugee Protection	50’	Presentation	Slides
Activity 2 - Developing a Training Strategy on Refugee Protection	40’	Senior manager peer work	
Total: 90 minutes			

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Activity 1 - Institutionalising Refugee Protection			
Timing		**Method**	**Resources needed**
Introduction	10'	Slide presentation	Slides
Group activity	30'	Work in plenary	
Wrap-up by the facilitator	10'	Plenary	
Total: 50 minutes			

Introduction (10 minutes)

Note to trainer

- ✓ *After setting out what refugee protection is, it will be important to situate how it is viewed at the global and the local levels. Field managers will have been made aware in the first module of some of the debates about refugee protection at the global level, and they need to have a chance to link these debates with their experience at the local level.*
- ✓ *After reviewing the objectives for this module, introduce the topic by making the following points. It would be preferable if you could delegate this to one of the managers if someone is able and willing to take up this role.*
- ✓ *It is unlikely that the senior managers at the workshop will want to work out how to embed refugee protection training in their own organisations in the group setting. However, if this does arise as a concern, take a few minutes (and reduce the plenary session by five minutes) to brainstorm on the issue.*

Slide 10: Module 2

Slide 11: Objectives - Module 2

By the end of this session, participants will:

- Understand what improvements this training will lead to in the work their staff do in protection and assistance;
- Be aware of the importance of field staff engaging at the local level in identifying the role of other actors in refugee protection;
- Consider how to familiarise their staff with the key messages of the Reach Out project;
- Consider how to increase their role in relation to refugee protection training in order to improve refugee protection programming.

Make the following points:

- There are a number of reasons put forward by humanitarian assistance agencies as to **why it is not their role or their responsibility to frame their programmes or deliver their assistance guided by refugee protection standards and practice**. At the global level, the debate in the past few years has shifted across all assistance sectors, and this has had an impact on those agencies providing refugee protection and assistance. There is an expectation now, and in some instances high levels of accountability, for human rights to guide all assistance and protection work. This **shift** is due to the normative development of human rights law, the centrality of human rights in the work of the UN, and also because of an understanding that **states are not the only actors accountable for respecting human rights**;

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- A quick survey of **global activities** include: **the UN Reform Agenda** putting human rights at the centre of all UN activities; the evolving role and operational responsibility of **the OCHA**; the robust role taken up by **the Inter-Agency Standing Committee** to bring humanitarian actors together to be effective advocates at the international level; and the longstanding efforts by **the UNHCR** to provide guidance, coordination, and indicators for their partners in **the NGO sector**;
- There has also been **a continuing effort to develop theory and practice of refugee protection** over the past decade and numerous efforts to establish a common understanding of the role of humanitarian actors in refugee protection and assistance. Recent international meetings bringing together humanitarian NGOs, human rights NGOs, and UN actors have sought to **clarify the meaning of refugee protection** and to **give it practical expression**. These meetings are too numerous to mention, but refer to **Handout 3** and **Handout 4** to get a sense of the results of some of this recent activity. The key point to make is that **efforts linking definition and action continue**;
- **There has been increasing emphasis on humanitarian accountability, including the protection of beneficiaries** through **codes of conduct**, **rules of engagement**, etc., and these are becoming expected of all humanitarian organisations. As institutional mandates and programmes are defined at the global level and must be informed by the core principles of refugee protection, so too must the programming work at the local level.

In this session, managers need to identify **who** is responsible for taking the lead role in their organisations, who the **target population** for training is, and to consider if there are any benefits to be derived by working on an **inter-agency** basis.

Beyond this, it will be important to move on to the more difficult question of **how to institutionalise refugee protection in their organisations**.

Slide presentation

Note to trainer

- ✓ ***Ensure that you watch for input from managers**, as they will likely have views on a number of the points raised.*
- ✓ *It is important to **get these views as you go along**.*

Slide 12: Institutionalising refugee protection requires…

Reach Out training on refugee protection will improve the work of the organisation in its practical and programming levels of work. However, a high-level commitment is needed to ensure that training continues and that refugee protection is institutionalised.

Institutionalisation requires a number of activities, but, for the purposes of this training for senior managers, it is enough to remind them that:

- Protection needs to be part of programming;
- Training of staff is vital to protection programming in the design and delivery phases;
- Policies and procedures can support refugee protection programming.

It is also important to make the direct link between the training and change in activities at the local level that will impact on the global level.

Point to **Module 4** of the **Reach Out Training Kit** where humanitarian workers (i.e., their staff) design actor maps in response to a refugee protection gap they identify as part of the training.

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This is important for managers to know, as they should try to find a way to support their staff in making the changes necessary to fill the gaps in refugee protection identified in the actor-mapping exercise.

Slide 13: Actor map

Show this example of an actor map.

Work in plenary (30 minutes)

Work through an actor-mapping exercise with the group on how they envision institutionalising refugee protection in a humanitarian assistance organisation.

Wrap-up (10 minutes)

Note that **the training may start an important process of institutional buy-in** to the need to use a refugee protection framework in analysing refugee protection work at the strategic, operational, and programme delivery levels.

It will be key to convey the sense of the inevitable: that if staff are trained, they will have new experiences and likely make more demands for change in refugee protection programming and in how they work.

This is a key issue that managers grapple with in a number of areas of their work, but they can, through engaging in training, enhance their staff's ability to solve things at the local level by using a refugee protection framework to analyse their local situation. Over time, this will lead to an enhanced field environment.

Conclude by underlining that the Reach Out training approach makes an overall positive contribution to their organisations' ongoing efforts to institutionalise refugee protection.

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Activity 2 - Developing a Training Strategy			
Timing		**Method**	**Resources needed**
Group work	15'	Plenary discussion and brainstorming	Slides
Feedback	15'	Plenary	
Wrap-up and conclusion	10'	Plenary	
Total: 40 minutes			

Note to trainer

- ✓ *Ideally, **this session should be led by one of the managers** in the group but only if they are prepared to lead the discussion fully and have made themselves available beforehand to be briefed.*
- ✓ *In choosing a manager to lead this session, you would be wise to ensure that they support the use of training to enhance refugee protection activities, including training, programming, and institutionalisation in their organisations.*

Group work (15 minutes)

The following quote is intended to get managers to discuss how they would translate protection into action and to give them a chance to share views on how they would fit protection into their programming system.

Show slide 14: Quote

"As a result of the increased scrutiny of the existing protection regime, NGOs are now discussing new roles in protection at the field level. Possible roles of NGOs in practical protection could include:

- Presence and advocacy;
- Providing education and training as protection tools;
- Mobilising vulnerable groups for self-protection;
- Participating in direct primary protection activities.

"Approaches to incorporating protection into NGO activities could include establishing strategic protection partnerships and developing critical training around protection."[1]

Ask the group:

- Does this quote capture the full extent of your responsibilities as managers for institutionalising refugee protection in the work of your organisation and across the sector?
- Dos this quote raise other issues such as the need for clear definitions of protection, the need for targeted training, etc.?
- Is this notion of practical protection enough?
- Does it capture the concept of refugee rights?

Feedback (15 minutes)

List their answers on a flip chart.

[1] Susan Martin and Elizabeth Moller, "NGOs and Practical Protection in Humanitarian Crises," in *Humanitarian Exchange*, November 2002.

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After briefly highlighting what they might see as some of the flaws or gaps in the above quote, they should answer the following questions:

- How would you see a strategy being developed for institutionalising refugee protection in your organisation and across the sector?
- What would be the indicators for agencies to use to show that refugee protection is being institutionalised?
- How would you broaden ownership of refugee protection?

As they move through these questions and suggest answers, the trainer should facilitate by **recording** their **key points on flip charts**. You will likely get replies along the following lines:

- A strategy for institutionalising refugee protection has to be driven by the headquarters providing leadership and informed at the field level;
- Inter-agency strategies need to be developed as well, given the complementarity of humanitarian actors' work;
- The theory and practice of refugee protection are defined sufficiently, so this can guide strategies across the sector and in individual organisations;
- Indicators are plentiful: many recent initiatives by the UN and international humanitarian actors can be used to establish indicators in individual organisations;
- Embedding refugee protection in my organisation would include a chain of activities, including training, programming work, policy work, and strategic planning work;
- It would also help if donors understood and supported programming and institutionalisation efforts aimed at refugee protection and the associated resource implications;
- Ownership of refugee protection can be broadened at multiple levels, including through advocacy with governments, UN actors, other humanitarian and human rights organisations, refugees themselves, etc.

Wrap-up and conclusion (10 minutes)

You will want to **conclude** that there is sufficient know-how in refugee protection work – as a concept, legally and practically – that allows them as senior managers to embed training (with confidence!) in their organisations, to include it in their programming, and to start on the process of institutionalising refugee protection in their organisation and across the sector.

Emphasise the need to link protection and analysis.

You should indicate how any evaluation of this workshop will be done and **establish how they may communicate** with you for any **follow-up**.

End with the opportunities!

Provide an opportunity for discussion, based on the time available, but it will be important to ensure that the following points are left with the senior managers.

It is time to **shift from the view** that "protection activities may endanger our mandate or our presence in the field" to "how can we incorporate protection activities without endangering our mandate or presence in the field".

In this training course, we have recognised that:

- There is such a thing as refugee protection;
- As humanitarian actors, we have a role in, and responsibility for, refugee protection;
- As managers, we have a key role in institutionalising refugee protection (through training, programmes, monitoring, evaluation, advocacy. conceptualising, as well as through mandates, visions, missions, etc).

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Handout 1 - Definition of Refugee Protection

The following definitions from **the ICRC** and **ALNAP** apply to the protection of all individuals, whilst the definition from the **UNHCR** specifically targets refugee protection.

According to the ICRC

Protection is defined according to its purpose and its activities. The purpose of protection is defined as:

"The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language, gender etc."

ALNAP

ALNAP endorses this definition, which was agreed by a number of humanitarian and human rights organisations.

They further explain that:

"This understanding of protection means that humanitarian work is as much about ensuring respect for international humanitarian and human rights norms as it is about giving aid. … This is why we have dug wells and lobbied governments at the same time, provided food aid and educated soldiers on humanitarian law, vaccinated children and reported abuses they have suffered."[2]

Protection activity is defined as: "Any activity - consistent with the above-mentioned purpose - aimed at creating an environment conducive to respect for human beings, preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring dignified conditions of life through reparation, restitution or rehabilitation."

Protection is thus composed of three types of activity:

- Responsive action: prevention, stopping and alleviating effects;
- Remedial action: restoring people's dignity;
- Environment-building action: creating and/or consolidating an environment conducive to full respect for the rights of the individual.

According to the UNHCR

"The phrase 'international protection' covers the gamut of activities through which refugees' rights are secured."[3]

These rights are enshrined in a number of international instruments, including the UN Refugee Convention; the Universal Declaration on Human Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the UN Convention on the Elimination of All Forms of Discrimination against Women ; the Convention against Torture; and the Convention on the Rights of the Child.

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[2] *Humanitarian Protection - A Guidance Booklet*, Active Learning Network for Accountability and Performance in Humanitarian Action, 2004, p. 21.

[3] *Protecting Refugees: A Field Guide for NGOs,* Office of the United Nations High Commissioner for Refugees, Geneva 1999, p.18

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Refugee protection includes ensuring that the rights of refugees, as articulated in these international instruments and as further defined in EXCOM conclusions, guidelines, policies, etc., are met.

At present, **the UNHCR working definition** of protection is:

"Protection encompasses all activities aimed at ensuring the enjoyment, on equal terms of the rights of women, men, girls and boys of concern to UNHCR in accordance with the letter and spirit of the relevant bodies of law (international humanitarian, human rights and refugee law). It includes interventions by States or UNHCR on behalf of asylum-seekers and refugees to ensure that their rights, security, and welfare are recognised and safeguarded in accordance with international standards. Such interventions will, amongst others, be deemed to: ensuring respect for the principle of *non-refoulement*; promoting admission to safety and access to fair procedures for the determination of refugee status; upholding humane standards of treatment; realizing the right to assistance and services; promoting non-discrimination, and the implementation of durable solutions."[4]

Understanding who has responsibility for protecting refugees is key to understanding refugee protection at its most practical level.

The primary responsibility for protecting refugees rests with **states**. States should work together to resolve the cause of refugee flows and to share responsibility for protecting refugees.

UN agencies, with the **UNHCR as the lead**, engage in a range of protection activities. This work is also done to varying degrees by other UN actors, including the WFP, UNICEF, the WHO, the UNDP, and the UNHCHR. Other important actors include the IOM, the ICRC, the IFRC, and NGOs.

Whilst not all of these actors are specifically mandated to provide protection to refugees, they are often committed to providing protection. This means that they are engaged in activities that are based on respect for human rights.

Some humanitarian NGOs are concerned that, by participating in protection activities, they risk their neutrality and that this will jeopardise their effectiveness, their security, and their ability to do their work. Whilst this may be a valid concern in some situations, **it is important to remember that humanitarian actions are based on respect for human rights and should also serve to defend those rights.**

[4] *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, Department of International Protection, Office of the United Nations High Commissioner for Refugees, 2002.

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Handout 2 - Statements on Refugee Protection

Statement 1

"This (the ICRC definition) understanding of **protection means that humanitarian work is as much about ensuring respect for international humanitarian and human rights norms as it is about giving aid…** This is why we have dug wells and lobbied governments at the same time, provided food aid and educated soldiers on humanitarian law, vaccinated children and reported abuses they have suffered." (Source: *Humanitarian Protection - A Guidance Booklet*, Active Learning Network for Accountability and Performance in Humanitarian Action, 2004, p. 21)

Statement 2

"It's difficult to escape the trap of those (NGO) people; they use the food as bait to get you to sex with them" (adolescent in Liberia). In Guinea, Liberia, and Sierra Leone, agency workers from international and local NGOs, as well as UN agencies, were reportedly the most frequent sex exploiters of refugee children, often using the very humanitarian aid and services intended to benefit the refugee population as a tool of exploitation. Most of the allegations involved male national staff, trading humanitarian commodities and services in exchange for sex with girls under 18. The practice appeared particularly pronounced in locations with large established aid programmes. The children most vulnerable to sexual exploitation were those without the care of their parents, children in child-headed households, orphaned children, children in foster care, children living with extended family members, and children living with just one parent. (Source: Assessment Mission Report, UNHCR and Save the Children-UK, February 2002)

Statement 3

"Protection and assistance are closely linked because assistance cannot be properly provided without considering protection. The Do No Harm principle implies that all humanitarian activities have protection implications and humanitarians must think carefully about the impact of programmes on communities. Humanitarian assistance and protection are natural allies. A protection lens can strengthen activities. **A culture of protection does not exist within development agencies. These gaps create a lack of awareness and ineffective terms of reference.** Training is necessary in order to prevent field staff from trying to reinvent the wheel." (Source: "Inter-Agency Stocktaking Meeting on Humanitarian Protection", ALNAP, ICVA, InterAction, 29 October 2004, p.7)

Statement 4

"What does the delivery of food assistance, health care, and medicine have to do with protection? During the humanitarian response to the crisis in Kosovo the food distribution system was not seen as having a protection element. Yet, it was discovered that the food rations were not being given to ethnic minorities (Serbs and Roma) by their exclusively Kosovar Albanian staff". (Source: Humanitarian worker on his experiences in Kosovo)

Statement 5

"When asked earlier what the minimum predictable protection response is, or what the absolute minimum common definition of protection is, I replied that protection means not being a silent witness. Now, I'm not even sure about that. Not to be pessimistic… but the protection system has not improved in 10 years… But we are working together to define protection, and two recurring constant themes expressed today included leadership and coordination… **Humanitarian actors need to be cognizant of who is responsible for protection, and understand complementarity between the U.N. and NGOs as well as between the humanitarian assistance and human rights actors."**(Source: "Inter-Agency Stocktaking Meeting on Humanitarian Protection", ALNAP, ICVA, InterAction, 29 October 2004, p.7)

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Handout 3 - Key Documents and Web Sites

Reading

- *Protecting Refugees: A Field Guide for NGOs,* Office of the United Nations High Commissioner for Refugees, Geneva 1999.
- *Growing the Sheltering Tree, Protecting Rights Through Humanitarian Action,* Inter-Agency Standing Committee, 2002.
- *Humanitarian Protection - A Guidance Booklet*, Active Learning Network for Accountability and Performance in Humanitarian Action, 2004.
- James Darcy, "Human rights and international legal standards: what do relief workers need to know", RRN Network Paper 19, February 1997.
- "Inter-Agency Stocktaking Meeting on Humanitarian Protection", ALNAP, ICVA, InterAction, 29 October 2004.
- Report from the Workshop on Protection for Human Rights and Humanitarian Organisations: Doing Something About It and Doing it Well, International Committee of the Red Cross, 1999.
- *Making Protection a Priority: Integrating Protection and Humanitarian Assistance*, InterAction, 2004.
- Protection in NGOs and Practical Humanitarian Crises, Humanitarian Exchange, ODI, 2002.
- NGOs in Refugee Protection: An Unrecognised Resource. Humanitarian Exchange, ODI 2003.
- *Operational Protection Reference Guide*, Office of the United Nations High Commissioner for Refugees, Geneva 2005.
- Dianne Paul, "Protection In Practice: Field Level Strategies for Protecting Civilians from Deliberate Harm", RRN Network Paper 30, July 1999.
- Report of the Workshop on Practical Protection in Humanitarian Crises, Active Learning Network for Accountability and Performance Humanitarian Action, 2001.

Key Web sites

www.alnap.org	Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP)
www.hapinternational.org	Humanitarian Accountability Project
www.odihpn.org	Humanitarian Practice Network (HPN)
www.theirc.org	International Rescue Committee (IRC)
www.icrc.org	International Committee of the Red Cross (ICRC)
www.ifrc.org	International Federation of the Red Cross and Red Crescent Societies (IFRC)
www.icva.ch	International Council of Voluntary Agencies (ICVA)
www.interaction.org	InterAction (IA)
www.nrc.no	Norwegian Refugee Council (NRC)
www.reliefweb.int	ReliefWeb (for Interagency Standing Committee)
www.unhcr.ch	UNHCR (UNHCR Operational Protection Reference Guide)
Generally, see:	**Refworld 2004, www.unhcr.ch**

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Handout 4 - Enhancing Learning at Field Level[5]

Background, definitions, and concepts

This section is aimed at policy-makers, journalists, evaluators and evaluation offices, and field staff. It summarises the central themes emerging from the thematic chapter of ALNAP's Review of Humanitarian Action in 2003, the purpose of which is to increase understanding of the ways in which humanitarian field workers learn, as well as the incentives and disincentives to learning that they face. The chapter explores ways in which learning in the field can be encouraged through simple workable changes to agencies' practice. It is largely based on 37 interviews carried out with field-level workers between December 2003 and February 2004, and it builds on the 2002 ALNAP Review, which made a preliminary assessment of learning in the sector.

Terms and definitions

Field level: The area of operation within the affected country, including the capital city, where responding agencies are usually based.

Field-level staff: All national and international staff involved in the operation, from country representative to project officers and field monitors directly involved in implementation.

Learning: The process by which individuals, teams, organisations, and groups of organisations create, transfer, and use knowledge in order to achieve positive change and realise their goals.

This definition builds on ALNAP's previous work on learning and reflects the interface between current thinking concerning learning and knowledge management.

Key concepts and typologies

Tacit knowledge: Knowledge that is held in people's heads: their experience, beliefs, values, and wisdom, which are generally taken for granted or may even exist below their level of daily awareness. Tacit knowledge can be made manifest in people's behaviour, including body language, and through conversation.

Explicit knowledge: Knowledge that can be written down and therefore processed by information systems, codified or recorded, archived, and protected by organisations.

Learning before, during, and after: Distinguishing between these three stages is helpful in relation to the humanitarian sector, with its focus on operations. However, it may be less relevant for national and international staff who are cross-deployed between emergency, rehabilitation, and development activities.

Learning before, during, and after an operation

The principal methods through which agencies provide information and knowledge gained through previous learning to their field workers are agency inductions and briefings prior to taking up post and handovers to incoming staff by their predecessors. Respondents indicated that many agencies are not meeting minimum requirements in these areas, and too often field workers have to complement what is provided with their own investigation and preparation, including use of personal contacts and the internet.

Respondents would like better briefings in two areas: first, the objectives of the agency in the operation and how they fit into that, i.e., their specific role; and second, information about social dynamics, i.e., politics and culture in both the office they are joining and the country as a whole. In

[5] Abstract from Key Messages from ALNAP's *Review of Humanitarian Action in 2003, Enhancing Learning at Field Level and Evaluating Humanitarian Action*, Section 1 "Enhancing Learning at Field Level", www.alnap.org.

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terms of learning during the operation, the principal finding was that field workers have little time to read and tend to obtain the very specific, operationally oriented information and knowledge they require by learning on the run from colleagues, peers, and informal contacts. Methods of knowledge-sharing, learning, and training that are able to respond to the very specific needs and operational requirements of field workers are favoured over those that impart knowledge, learning, and training that is not focused on their immediate needs.

Thus, generic guides and manuals produced by headquarters are frequently perceived as unhelpful, whereas guides that are locally prepared, specific to the current operation, and that contain numerous checklists are preferred. Similarly, on-the-job training using mentors and coaching is preferred to classroom-based training. Peer-to-peer learning and networking amongst communities of practice are also highly valued mechanisms for learning, though many respondents were cautious about networks becoming overly formalised. A surprising result was that none of the respondents mentioned agency instruments for gathering information and data that are central to the work of agencies and the sector, such as needs assessments, household surveys, formal questionnaires, or monitoring. Such instruments ought to play a more prominent role in supporting learning. Learning about and from the affected population is perhaps the largest gap during operations. Whilst there is widespread recognition of the benefits of participatory approaches, and certainly some institutions use learning from communities as a central feature of their work, many agencies fail to draw on the knowledge held by the affected populations or those sources that would increase their understanding of the affected population.

This lack of learning seriously undermines the credibility of humanitarian action. In terms of learning after the operation, in over half of the field-level cases discussed, respondents had no individual exit interview or debriefing process. For many of those who did receive a debriefing, this was not a satisfactory experience, and field workers were often left with a sense that no one cared or that they were not heard. In many cases, the emphasis was on personal debriefing with a focus on counselling, and, in general, debriefings were not considered to have supported learning. The absence of systematic post-operation feedback mechanisms to field-level workers does little to validate their experience. Nevertheless, after-action reviews are used by some agencies and offer the potential for learning for both individual agencies and the sector as a whole. The key finding on operational learning is that field workers look to their peers, colleagues, and the internet as key sources of learning and to fill the gaps left by agencies and the sector. Mentoring, peer-to-peer exchanges, and networking, much of which was instigated by field workers themselves and operated outside of formal agency mechanisms, were central to learning.

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Trainer Guidance - Sample Agenda for a 3-Hour Senior Managers Workshop

8.45 to 9.00	*Introductions*
9.00 to 10.30 Module 1 (90 minutes)	
9.00 to 9.45	Activity 1 - Defining Refugee Protection
9.45 to 10.30	Activity 2 - Current Key Debates in Integrating Refugee Protection
10.30 to 10.45	*Break*
10.45 to 12.15 Module 2 (90 minutes)	
10.45 to 11.35	Activity 1 - Institutionalising Refugee Protection
11.35 to 12.15	Activity 2 - Developing a Training Strategy on Refugee Protection
12.15 to 12.30	**Review and Evaluation**
12.30	*Close session - Lunch*

Note to trainer

- ✓ *This workshop has a balance of trainer presentations; trainer-facilitated exercises, and an option for a senior-manager-led exercise, if there is a suitable person to take this role.*
- ✓ *You should be sensitive to the different levels of engagement that the senior managers may have on the topic of refugee protection. Some of them may have a great depth of experience in refugee protection as a concept and in practice. Before the workshop, you should try to identify senior managers who might be used as peer trainers and recruit them to lead a part of the workshop or to work through one with you as the facilitator.*
- ✓ *The agenda has been structured with flexibility, as each group of senior managers will want to engage according to their seniority and experience. As the trainer, you have a set of notes in each module that are there as your back-up in the event that the workshop does not have participants who are ready to actively engage.*
- ✓ *It is critical when working with senior managers that you recognise that they have serious time limits and varying degrees of expertise and responsibility. You should acknowledge their level of expertise and tailor these materials to fit the group.*
- ✓ *Decide which materials you want to send out to the senior managers in advance of the session, if any. It is recommended that you send them **Handouts 1 and 4**, as this will increase the level of debate.*

It is suggested that, at the opening of the workshop, you:

- Agree the agenda with the participants in the introduction, and then keep it flexible in response to their feedback;
- Keep a ”suggested actions” sheet running throughout the entire workshop. This sheet can be a flip chart on the wall where all the suggestions generated in discussions and group work for improving refugee protection in the context can be collected;
- Keep a ”park sheet” running throughout the workshop. This can be a tool for controlling discussions and managing time; you can ”park” tangential questions and issues that there is not time to address on this sheet. These topics can be reviewed at the end of the workshop;
- Throw in energisers as and when needed to keep the group active, but you are only together for a morning, so hopefully that will not be needed;
- Arrange a lunch at the end of the workshop to keep the communication going.

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Senior Managers Pack

Two 90' modules with handouts and slides

1

Module 1:

Refugee Protection: "From Global…"

2

Objectives – Module 1

By the end of this session, senior managers will:

- Agree on what is meant by refugee protection and the link between humanitarian assistance programmes and refugee protection;
- Have an increased knowledge of the global environment that humanitarian workers operate in with its increasing demands for refugee protection activities;
- Be aware of the current debates/issues on refugee protection and the need for ongoing training to enable effective refugee protection programming in changing contexts.

3

Key issues

- The debate about assistance and protection;
- Linking theory and rights to humanitarian action and practice;
- Roles and responsibilities of mandated agencies and governments in relation to protection.

4

Sound familiar?

- Refugee protection is not our role – it is the role of the UNHCR;
- What does delivery of food assistance have to do with protection?
- Protection work compromises our mandate.

Linking theory and rights to humanitarian action and practice

Assistance cannot be properly provided without considering protection responsibilities.

Types of protection activities

- **Responsive action**
- **Remedial action**
- **Environment-building action**

It is our role and responsibility…

- Governments have primary responsibility;
- The UNHCR has the mandate and responsibility;
- Our challenge is how to incorporate protection activities without endangering our presence or mandate.

Refugee protection through…

- Coordination;
- Access;
- Complementarity;
- Advocacy to accompany humanitarian action;
- Institutionalising protection through programming and staffing initiatives.

Module 2:

"… to Local" Opportunities!

Objectives – Module 2

By the end of this module, senior managers will:

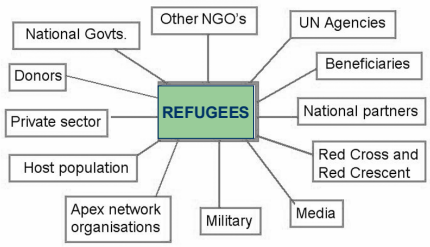
- Understand what improvements this training will lead to in the work their staff do in protection and assistance;
- Be aware of the importance of field staff engaging at the local level in identifying the role of other actors in refugee protection;
- Consider how to familiarise their staff with the key messages of the Reach Out training project;
- Consider how to increase their role in relation to refugee protection training in order to improve refugee protection programming.

Institutionalising refugee protection requires…

- A high-level commitment;
- Training of staff in the programme design and delivery phases;
- Policies and procedures to support refugee protection programming;
- Direct link between the training & change at the local level to the global level.

Aide memoire

Actor Map



Quote

"As a result of the increased scrutiny of the existing protection regime, NGOs are now discussing new roles in protection at the field level. Possible roles of NGOs in practical protection could include:

- **Presence and advocacy;**
- **Providing education and training as protection tools;**
- **Mobilising vulnerable groups for self-protection;**
- **Participating in direct primary protection activities.**

"Approaches to incorporating protection into NGO activities could include establishing strategic protection partnerships and developing critical training around protection."

Source: Susan Martin and Elizabeth Moller, "NGOs and Practical Protection in Humanitarian Crises," in Humanitarian Exchange, *November 2002 .*