

# IMPROVING LIVES: A UNHCR GUIDE

on Partnering with ILO

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# 1. INTRODUCTION

In support of the ongoing partnership between the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organization (ILO), this “101 guide” has been developed to assist ILO staff in better understanding UNHCR, its mandate and structure, as well as to familiarize them with key concepts, activities and frameworks used within UNHCR. It also provides a series of useful resources for ILO staff wishing to deepen their knowledge of UNHCR’s work and thus contribute to the growing partnership between the two agencies.



© UNHCR/Mark Henley, Switzerland. Plenary session on burden-sharing at Global Refugee Forum.



© UNHCR/Markel Redondo. Switzerland. Social Media interviews at the GRF.

## 2. CONTEXT

UNHCR is mandated to protect and seek solutions for forcibly displaced and stateless persons. There has been a worrying decade-long rise in forced displacement. By the end of 2021, around 89.3 million people had been forced to flee as a result of persecution, conflict, violence, human rights violations, or events seriously disturbing public order. The total number of forcibly displaced persons encompasses refugees, asylum-seekers, internally displaced persons (IDPs) and Venezuelans displaced abroad. There are also many persons who are not considered as a national by any State, either because they have never had a nationality or because they lost it without acquiring a new one. Around 4.3 million people are known to be stateless, though the real number is likely to be much higher.<sup>1</sup>

<sup>1</sup> “2022 Mid-Year Trends report” (UNHCR, 2022). Available from <https://www.unhcr.org/mid-year-trends.html>.

At a time when major conflicts have intensified around the world, forcing millions of civilians to flee their homes – often several times – clear-cut solutions remain largely elusive. Statelessness, if it becomes protracted and intergenerational in nature, can exacerbate this dynamic by becoming a trigger for conflict, violence and displacement itself. Millions of refugees and IDPs live in protracted situations as the average length of stay has continued to grow. 85 per cent of the world’s refugees live in low- and middle-income countries and 27 per cent are hosted by low-income countries. Despite facing their own economic and development challenges, these countries continue to open their borders and to provide asylum and various forms of support to large numbers of refugees, often in circumstances where they lack the resources to cope or even to fully meet the needs of their own nationals.

While in many countries, significant numbers of refugees and IDPs are confined to camps or live scattered across rural areas, the number of those fleeing into urban settings continues to grow, further exacerbating problems of urban poverty and exclusion. Large numbers of refugees remain without solutions and lack the freedom and resources to rebuild their lives and take charge of their future. Solutions for large numbers of IDPs have been similarly elusive. In many countries, they have been displaced not just once, but multiple times, because they are unable to find safety or sustainable means for survival. All of these issues contribute to the complex mix of factors that leads increasing numbers of forcibly displaced persons, including unaccompanied and separated children, to move onward within and beyond their own regions, in search of protection, livelihoods and the prospect of a better future.

Thus, the idea that forced displacement is not just a humanitarian matter but also a political and development challenge has gained momentum and created demand for a new approach that goes beyond the traditional humanitarian action.<sup>2</sup> The

2030 Agenda for Sustainable Development and its commitment to “leave no one behind” provide a powerful basis for the inclusion of refugees, IDPs and stateless persons in economic development planning, as well as in all other measures taken by States to achieve the Sustainable Development Goals (SDGs). At the World Humanitarian Summit held in May 2016, far-reaching commitments were made to promote greater coherence, efficiencies, transparency and accountability on the part of key humanitarian aid organizations and donor countries, as well as flexible funding arrangements. Just months later, at the first UN Summit on Addressing Large Movements of Refugees and Migrants, the General Assembly unanimously adopted a historic declaration which reaffirmed, with unprecedented force, the obligations of States to fully respect the rights of refugees and migrants.

Acknowledging the burden that large movements of refugees impose on national resources, especially in the case of developing countries, the September 2016 New York Declaration for Refugees and Migrants also made groundbreaking commitments in terms of international solidarity and burden- and responsibility-sharing and called for a paradigm shift in the response to large-scale refugee situations. This led to the adoption of the Global Compact on Refugees (GCR) by the United Nations General Assembly on 17 December 2018. UNHCR has been entrusted to play a supportive and catalytic role to achieve the four objectives of the GCR, namely:

- to ease pressures on host countries
- to enhance refugee self-reliance
- to expand access to third-country solutions and
- to support conditions in countries of origin for people to return in safety and dignity.

2 “UNHCR’s strategic directions, 2017–2021” (UNHCR, 2017). Available from <https://www.unhcr.org/en-us/5894558d4.pdf>.



© UNHCR/Violaine Martin. Switzerland. Plenary session on burden-sharing at Global Refugee Forum.

In 2019, the United Nations Secretary-General decided to establish a High-Level Panel on Internal Displacement, focusing primarily on addressing protracted displacement and achieving durable solutions for displaced persons. As a follow-up to the panel’s report, the United Nations Secretary-General decided to develop an Action Agenda on Internal Displacement, which would set out his own vision on the issue with the goal of mobilizing collective action and advancing durable solutions. As part of the United Nations Secretary-General’s [“Our common agenda”](#) report (OCA report), UNHCR has been designated as the United Nations agency to lead the implementation of Proposal 23 of the United Nations system follow-up matrix to the OCA report, which states that “to ensure that

everyone is seen and recognized, measures to prove legal identity (target 16.9 of the SDG) and end statelessness, including by closing legal loopholes, and disaggregating data by age, gender and diversity are urged”.

In support of these commitments, UNHCR pursues a multi-stakeholder and partnership approach where national and local authorities, regional organizations, international organizations within and outside the United Nations system, other humanitarian and development actors, international and regional financial institutions, civil society (including faith-based organizations), academics and other experts, the private sector, media, forcibly displaced persons, and refugees work together from the outset of a refugee situation.<sup>3</sup>

3 “Global Compact on Refugees” (United Nations, 2018) para. 33 and 35. Available from [www.unhcr.org/5c658aed4](http://www.unhcr.org/5c658aed4).

# 3. GLOBAL COMPACT ON REFUGEES AND GLOBAL REFUGEE FORUM



© UNHCR/Mark Henley. Switzerland. Plenary session on burden-sharing at Global Refugee Forum.

The New York Declaration for Refugees and Migrants, adopted in 2016 by the member States of the United Nations, included two key steps towards a more sustainable system for providing refugee protection and responding to the needs of host countries and communities:

1

First, member States adopted the Comprehensive Refugee Response Framework (CRRF), which sets out a wide range of measures to be taken by the international community in response to a large-scale refugee situation across the whole cycle of displacement.

2

Secondly, member States agreed to continue to improve international responses by working towards the adoption of a global compact on refugees in 2018.<sup>4</sup>

On 17 December 2018, the United Nations General Assembly affirmed the GCR, following two years of extensive consultations led by UNHCR. The GCR is a framework for more **predictable and equitable responsibility-sharing**, recognizing that international cooperation is crucial if a sustainable solution to refugee situations is to be achieved. At the heart of the CRRF and GCR is the idea of **inclusion**; that **refugees should be included in communities from the very beginning**. When refugees gain access to education and labour markets, they can build their skills and become self-reliant, in turn fuelling the development of the communities hosting them. Allowing refugees to benefit from **national services and integrating them into national development plans** is essential for both refugees and their host communities and is consistent with the pledge in the 2030 Agenda for Sustainable Development to “leave no one behind”.

The objectives of the GCR are therefore to: (i) ease pressures on host countries; (ii) enhance refugee self-reliance; (iii) expand access to third-country solutions; and (iv) support conditions in countries of origin for people to return in safety and dignity.

The GCR contains several elements, including:

- the **Comprehensive Refugee Response Framework** (CRRF)
- a **Programme of Action** setting out concrete measures to help meet the objectives of the GCR, which includes:
  - arrangements to share burdens and responsibilities through a Global Refugee Forum (GRF) every four years, national and regional arrangements, and tools for funding, partnerships and data
  - areas in need of support, from reception and admission, to meeting needs and supporting communities, to solutions
  - **arrangements for follow-up and review**, through the GRF every four years, a high-level official meeting every **two** years, and the High Commissioner’s annual report to the General Assembly.<sup>5</sup>

4 “The Global Compact on Refugees – UNHCR quick guide” (UNHCR, 2018). Available from <https://globalcompactrefugees.org/article/resources-introduction-gcr>.

5 UNHCR, “What we do: The Global Compact on Refugee”, no date. Available from [www.unhcr.org/the-global-compact-on-refugees.html](http://www.unhcr.org/the-global-compact-on-refugees.html) (accessed 24 June 2022).



The first **GRF took place in December 2019**, attended by over 3,000 participants. Pledges were made by States, organizations, businesses, academics and refugees themselves in order to advance the objectives of the GCR. The GRF had six key areas of focus: **burden- and responsibility-sharing, education, jobs and livelihoods, energy and infrastructure, solutions, and protection capacity**. Progress in each of these areas was driven by a coalition of engaged co-sponsors (including refugee co-sponsors)<sup>6</sup> and the **ILO had a pivotal role as co-sponsor of the GRF's Jobs and Livelihoods theme**.

To support the periodic review of the GCR and its impact, a [GCR indicator framework](#) has been developed. The indicator framework reflects key areas of the GCR, including arrangements to support burden- and responsibility-sharing, areas identified as being in need of support, and interlinked aspects of displacement in host countries and countries of origin. The **ILO and UNHCR are collaborating closely** on indicator 2.1.1, relating to the proportion of refugees who have access to decent work.

In 2021, the first [“Global Compact on Refugees indicator report”](#) took stock of progress towards the GCR's four objectives. It concluded that while better data were critically needed, the data available provided indications of progress as well as growing needs and challenges that called for an acceleration of the approach set out in the GCR.

The first [High-Level Officials Meeting](#) (HLOM), which is a midterm review between GRFs, was held on 14 and 15 December 2021 as part of the process of building a long-term framework to engage States and other actors in refugee situations. The event provided an opportunity for senior government officials and representatives of relevant stakeholder groups to take stock of progress and maintain momentum towards achieving the objectives of the GCR to expand support, refugee self-reliance and solutions. Participants identified progress, challenges and where further engagement was needed to increase support, self-reliance, and access to solutions for the forcibly displaced and stateless persons, while taking into consideration the challenges posed by the COVID-19 pandemic.

## For further details, see:

- [“Global Compact on Refugees indicator report”](#)
- [“Global Compact on Refugees: Indicator framework”](#)
- [“Global Compact on Refugees”](#)
- [“Summary of the first Global Refugee Forum by the co-convenors”](#)
- [Outcome document of the High-Level Officials Meeting](#)

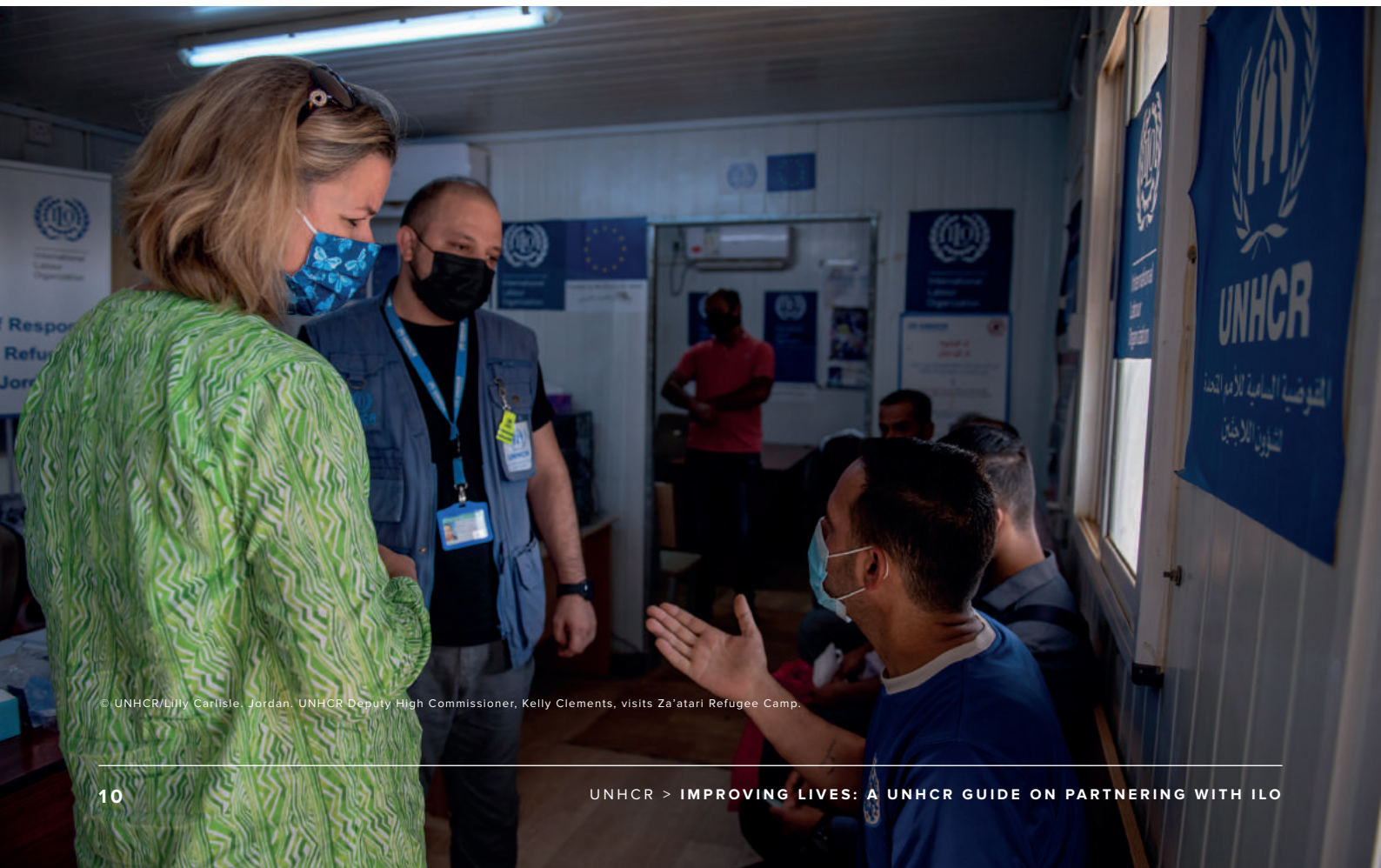
<sup>6</sup> “Report of the United Nations High Commissioner for Refugees. Covering the period 1 July 2019 - 30 June 2020” (UNHCR, 2020). Available from [www.unhcr.org/excom/bgares/5f69c6ca4/report-united-nations-high-commissioner-refugees-covering-period-1-july.html?query=GRF%20co-sponsor%20ILO](http://www.unhcr.org/excom/bgares/5f69c6ca4/report-united-nations-high-commissioner-refugees-covering-period-1-july.html?query=GRF%20co-sponsor%20ILO).

## 4. ILO-UNHCR PARTNERSHIP

Within the context of these broader global developments, the UNHCR and ILO partnership is becoming increasingly strategic and necessary. UNHCR and the ILO's senior management publicly acknowledged the complementarity of both organizations' mandates in 2004, when they made a joint statement in which they committed to strengthen their cooperation on reducing poverty for forcibly displaced persons, through implementing programmes dealing with skills and enterprise development, microfinance and social protection.<sup>7</sup> Amidst the global momentum of the New York Declaration and the 2030 Agenda, a joint **Memorandum of Understanding (MOU)** was signed between UNHCR and the ILO in 2016, in which the organizations committed to collaborate on certain strategic areas of focus where their mandates were complementary in building best practices globally. The partnership was further strengthened through implementation of **the Joint Action Plan**, and both organizations have collaborated to address the challenges related to large-scale displacement by making access to decent work, productive employment and entrepreneurship an essential component of sustainable response strategies for host communities, refugees and other forcibly displaced persons. Further, as part of the first GRF which supports and monitors the implementation of the GCR, the ILO has become a co-sponsor for the thematic area of jobs and livelihoods.<sup>8</sup>

7 See United Nations, "UN agencies team up to reduce refugee poverty", 4 November 2004. Available from <https://news.un.org/en/story/2004/11/120122-un-agencies-team-reduce-refugee-poverty>.

8 See [ILO-UNHCR Partnership](#).



© UNHCR/Lilly Carlisle, Jordan. UNHCR Deputy High Commissioner, Kelly Clements, visits Za'atari Refugee Camp.

UNHCR and the ILO also collaborate under the innovative partnership of PROSPECTS, the multilateral partnership initiative launched in 2018. Spearheaded by the Government of the Netherlands, PROSPECTS brings together the International Finance Corporation (IFC), the ILO, UNHCR, the United Nations Children's Fund (UNICEF) and the World Bank. It aims to consolidate responses to increasingly protracted displacement through international support that provides durable

solutions backed by more dignified, inclusive and comprehensible programmes for refugees and host communities. The programme focuses on improving access to educational, training, employment and livelihood opportunities, as well as strengthening the protection environment. PROSPECTS is being implemented in eight countries in the Middle East and North Africa (MENA) (Egypt, Iraq, Jordan and Lebanon) and the East/Horn of Africa (Ethiopia, Kenya, Uganda and Sudan) regions.



© UNHCR/Saima Hassan. Sudan. Visit from the Dutch embassy with UNHCR and other UN agencies.

## Focus of the ilo-unhcr partnership

The [ILO-UNHCR Memorandum of Understanding](#) articulates three main objectives:

- improved governance of access to the labour market and decent work for refugees and other displaced persons
- strengthened protection measures and decent working conditions for refugees and other forcibly displaced persons through enhancing social protection mechanisms, improving working conditions and identifying and mitigating against violations of the fundamental principles and rights at work
- increased opportunities for jobs, income and livelihoods for refugees and other forcibly displaced persons, as well as for host communities.

Key areas of joint work in the [ILO-UNHCR partnership](#) include:

- collaborating towards the implementation of the Global Compact on Refugees (GCR)
- protecting social health: working towards building an affordable health-care system for both refugees and host communities
- promoting rights at work and preventing child labour
- informing and empowering refugees to access decent work
- promoting skills and lifelong learning for refugees and host communities
- addressing youth unemployment among refugees and host communities
- responding to rapidly evolving and complex displacement situations

- building peace through better employment opportunities for refugees and host communities
- conducting market and value chain assessments: the Approach to Inclusive Market System (AIMS).

According to the [UNHCR and ILO partnership](#), one of the area of collaboration is **promoting skills and lifelong learning for refugees and host communities**. The ILO and UNHCR synergize to promote pathways of learning from primary education, to secondary, technical and vocational education and training (TVET), up to tertiary levels. The ILO contributes through its expertise in work-based learning and the recognition of prior learning. The two organizations are planning to jointly produce a new on TVET delivery for peace and resilience.

Technical and Vocational Education and Training (TVET) constitutes a key potential area to collaborate and the UNHCR document [Key Considerations on Technical and Vocational Education Training \(TVET\)](#) includes a key consideration in TVET programming for forcibly displaced person that includes inclusion, market orientation, provision of support services, accreditation, teacher training, technology, life skills and bridging to the labour market etc could be a potential areas of collaboration.

In Indonesia, the ILO and UNHCR have joined forces in a pilot project to contribute to reducing youth unemployment and improving self-reliance opportunities for refugees and local youth. The pilot offers learning opportunities on entrepreneurship, business management and soft skills through the Ready for Business entrepreneurship programme, developed in partnership with the ILO International Training Centre and the William Davidson Institute of University of Michigan.



© UNHCR/Jason Tanner, Pakistan. Millions flee disastrous floods.

## For further details, see:

- [“ILO-UNHCR partnership”](#)
- [“UNHCR engagement with the Sustainable Development Goals”](#)
- [“UNHCR strategic directions 2022–2026”](#)
- [“Partnership for improving prospects for host communities and forcibly displaced persons”](#)
- [ILO-UNHCR Memorandum of Understanding](#)
- [Panel report of the United Nations Secretary-General’s High-Level Panel on Internal Displacement](#)
- [Partnership for improving prospects for forcibly displaced persons and host communities \(PROSPECTS\)](#)
- [The New York Declaration for Refugee and Migrants](#)
- [UNHCR flagship reports \(“Global trends” and “Global report”\)](#)
- [UNHCR iBelong Campaign to end statelessness](#)

## 5. UNHCR'S MANDATE



© UNHCR/Hélène Caux. South Africa. Stateless women at high risk of gender-based violence.

The United Nations General Assembly established UNHCR as its subsidiary organ through resolution 319 A (IV) of 3 December 1949.

UNHCR is mandated to provide **international protection** and to seek permanent solutions for persons within its core mandate responsibilities.<sup>9</sup> UNHCR's original core mandate covered only refugees and asylum-seekers, i.e. all persons outside their countries of origin in need of international protection. However, over time UNHCR's mandate was expanded to cover returnees,<sup>10</sup> stateless persons<sup>11</sup> and in many situations IDPs ([UN General Assembly Resolution 48/116](#)), including those who may also receive protection and assistance from States and other partners.

Per its Statute, UNHCR works under the authority of the United Nations General Assembly and follows policy directives of the United Nations Economic and Social Council (ECOSOC). UNHCR's work is entirely non-political, humanitarian and social. UNHCR is governed by the [Executive Committee of the High Commissioner's Programme \(ExCom\)](#), which is composed of representatives from countries selected by ECOSOC and approves UNHCR's programmes and budget. ExCom also provides authoritative guidance on international protection in the form of [ExCom Conclusions](#).

## Who are the Forcibly Displaced and Stateless Persons?

UNHCR is mandated to provide protection and seek solutions to the forcibly displaced and stateless persons.

**Refugee:** Any person who meets the eligibility criteria under an applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR's mandate or in national legislation. Under international law and UNHCR's mandate, refugees are persons who are outside their country of origin or, if they do not have a nationality, are outside their country of habitual residence, and who are in need of international protection because they fear being persecuted for reasons of their race, religion, nationality, membership of a particular social group or political opinion, or because there is a serious threat to their life, physical integrity or freedom in their country of origin (or country of habitual residence for stateless persons), as a result of serious human rights violations, armed conflict, violence or serious public disorder.<sup>12</sup>

Under international law, a person is considered to be a refugee as soon as they fulfil the relevant criteria. It is not necessary for them to have been formally recognized as a refugee.

The definition of a refugee provided by the 1951 Refugee Convention has been built upon by regional instruments, in particular the [OAU \[Organisation of African Unity\] Convention Governing the Specific Aspects of Refugee Problems in Africa \(1969 OAU Convention\)](#) and,

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- 9 See the "Statute of the Office of the United Nations High Commissioner for Refugees" (UNHCR, 1950), paras. 8(c) & (b), 9 and 10. Available from [www.unhcr.org/3b66c39e1.pdf](http://www.unhcr.org/3b66c39e1.pdf).
- 10 See Art. 1C(5) and (6) of the Convention and Protocol Relating to the Status of Refugees (1951 Convention) and Art. 1(4) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention).
- 11 In accordance with United Nations General Assembly resolutions 3274 XXIX and 31/36, UNHCR has been designated, pursuant to articles 11 and 20 of the 1961 Convention on the Reduction of Statelessness, as the body to which a person claiming the benefits of this convention may apply for the examination of his or her claim and for assistance in presenting it to the appropriate authorities. See UN doc. A/AC.96/830, 7 September 1994, paras. 8, 10-11, 31-32.
- 12 [The 1951 Refugee Convention](#) defines the term "refugee" as person who has a well-founded fear of persecution for one or more of the following five reasons: race, religion, nationality, membership of a particular social group, or political opinion. In addition, a refugee must be outside the country of their nationality or, if the person does not have a nationality, of their country of former habitual residence, and unable or, owing to the well-founded fear, unwilling to avail themselves of the protection of their country of origin.

in Latin America, the 1984 [Cartagena Declaration on Refugees](#). The 1969 OAU Convention includes the 1951 Refugee Convention definition but goes further to include persons compelled to leave their country of origin and seek refuge abroad “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”. The 1984 Cartagena Declaration uses similar wording, adding “massive violations of human rights” and “generalized violence” as circumstances forcing people to seek refuge.

**Asylum-seeker:** A general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status and has not yet received a final decision on their claim. It can also refer to a person who has not yet submitted an application but who may intend to do so or may be in need of international protection. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum-seeker. However, an asylum-seeker may not be sent back to their country of origin until their asylum claim has been examined in a fair procedure, and is entitled to certain minimum standards of treatment pending determination of their status.

**Returnee:** A former refugee who has returned from a host country to their country of origin or former habitual residence, spontaneously or in an organized fashion, with the intention of remaining there permanently and who is yet to be fully reintegrated. Reintegration is a process that enables returnees to regain the physical, social, legal and material security needed to maintain life, livelihoods and dignity and which eventually leads to the disappearance of any distinction or discrimination vis-à-vis their compatriots. The term “returnee” also carries a broader meaning outside the refugee context and may include, for example, IDPs who return to their previous place of residence.

**Internally Displaced Persons (IDPs):** A person who has been forced or obliged to flee from their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized State border.

**Stateless person:** A person who is not considered as a national by any State under the operation of its law, either because they never had a nationality, or because they lost it without acquiring a new one.

**Person in need of international protection:** A person outside their country of origin or country of habitual residence and who is unable to return because they would be at risk there, and their country is unable or unwilling to protect them. This includes refugees, who benefit from the protection of international, regional and national refugee law. It may also include those who do not qualify as refugees under such law but who are unable to return e.g. persons displaced across an international border in the context of disasters or climate change, but who are not refugees. Host countries may accordingly offer protection on a humanitarian basis through a variety of means, including temporary protection or stay arrangements. Stateless persons who do not enjoy the full national protection of their country of habitual residence may also be in need of international protection.<sup>13</sup>

## Migrants and mixed movements

There is no universally agreed legal definition of the term “migrant”. Indeed, it would be difficult to articulate a uniform legal meaning of the term, because the factors that lead people to move can be complex and the causes are often multifaceted. In the [10-Point Plan](#), “migration” is defined as any movement of persons that is not intended to be merely of short or temporary duration, either

<sup>13</sup> See “Persons in need of international protection” (UNHCR, 2017). Available from [www.refworld.org/docid/596787734.html](http://www.refworld.org/docid/596787734.html).



across an international border or within a State. It is used by UNHCR to refer to the primarily voluntary movement of persons.

“Mixed movements” is neither a new phenomenon nor a new policy concept. The notion emerged from [UNHCR’s Global Consultations on International Protection](#), which began in 2000. During these consultations, UNHCR began exploring the relationship between migration and asylum, first in terms of the “asylum–migration nexus” and subsequently within the rubric of “refugee protection and durable solutions in the context of international migration”.

UNHCR defines mixed movements (which may also be referred to as “mixed migration” or “mixed flows”) in the [glossary of the 10-Point Plan in Action 2016 Update](#) as “a movement in which a number of people are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons.” Persons travelling as part of mixed movements have varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and

migrants in an irregular situation in addition to stateless persons.

UNHCR regards its engagement in mixed movement situations as part of its core protection mandate, rather than as an extension of it: the organization cannot protect the forcibly displaced and stateless persons without engaging in responses to mixed movement situations. Because different groups of people may travel together, it may not be possible for UNHCR to fulfil its core protection mandate unless the protection of all persons on the move is upheld. This is particularly relevant in situations where screening or determination of international protection needs is yet to take place. UNHCR may also adopt a “good offices” function and support other actors, including the International Organization for Migration (IOM), when engaging with different categories of persons on the move. This may be achieved by creating referral pathways, engaging in joint fundraising or supporting more opportunities for regular migration, including by engaging in dedicated forums, such as [the United Nations Network on Migration](#). UNHCR may also provide humanitarian assistance to migrants as part of its good offices function.

## For further details, see:

- [“Guiding principles on internal displacement”](#)
- [“Refugee protection and mixed migration: The 10-Point Plan in action”](#)
- [“Statute of the Office of the United Nations High Commissioner for Refugees”](#)
- The [1951 Convention relating to the Status of Refugees and its 1967 Protocol](#)
- The [1954 Convention relating to the Status of Stateless Persons](#) and the [1961 Convention on the Reduction of Statelessness](#)
- The [1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa \(OAU Convention\)](#)
- The 1984 [“Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama”](#)
- The [2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\)](#)
- The [UNHCR Master Glossary of Terms](#)

## 6. UNHCR OFFICES

Around 90 per cent of UNHCR staff are based in the field, where together with many partners, they work alongside the forcibly displaced and stateless persons including in conflict-affected or desolate and remote locations. Their job includes providing protection and assistance and finding solutions in refugee and IDP camps and settlements and in urban areas. This work encompasses many different tasks such as responding to emergencies, relocating refugees away from borders to improve their safety, ensuring refugee and IDP women have a say in food distribution and social services, reuniting separated families, visiting border crossing points and detention centres, advising governments on draft asylum and/or internal displacement laws, policies and practices, organizing convoys to transport those who are willing to return home, and carrying out efforts to strengthen resilience and implement solutions, including through advocacy and programming on livelihoods and economic inclusion, financial inclusion, market linkages, health, water, sanitation and hygiene (WASH) and education.

Increasingly, UNHCR staff and its partners are working in areas of armed conflict where there is little or no effective government authority. International presence in insecure areas is in itself a form of protection and can provide a powerful means of discouraging abuses, but it involves risks for staff. UNHCR also maintains offices in the capital cities of many countries, working regularly with ministries in charge of foreign and interior affairs. Since refugee protection cuts across many lines of responsibility, UNHCR also often engages with

officials in charge of justice, immigration, human rights, the police and the military, education and social affairs, and with mayors and other local authorities. UNHCR also serves as a resource for parliamentarians by making submissions to parliamentary committees on issues related to refugee law, providing technical assistance and support for the development and reform of law to prevent and address internal displacement and/or statelessness, and being available to brief parliamentarians on specific refugee situations and on other issues of concern.



© UNHCR/R.A.Knight. Yemen. Internally displaced persons.

# 7. PROTECTION AND SOLUTIONS FOR FORCIBLY DISPLACED AND STATELESS PERSONS



© UNHCR/Gabriel Adeyemo. Nigeria. Birth registration drive targets displaced children at risk of statelessness.



© UNHCR/Mark Henley. Côte d'Ivoire. UNHCR documentation drive for villagers at risk of statelessness.

## a) PROTECTION

“**Protection**” refers to all activities aimed at achieving full respect of the rights of the individual in accordance with the letter and spirit of [international refugee law](#), [international human rights law](#) and [humanitarian law](#).<sup>14</sup> Protection involves creating an environment that is 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 and rehabilitation. **States** are primarily responsible for protecting the human rights of all people in their territory and under their jurisdiction, including asylum-seekers, refugees, stateless persons, IDPs and returnees. UNHCR supports and works closely with governments to ensure that the forcibly displaced and stateless persons are able to exercise their human rights and live securely and with dignity.

<sup>14</sup> “Inter-Agency Standing Committee policy on protection in humanitarian action” (Inter-Agency Standing Committee, 2016). Available from [www.globalprotectioncluster.org/assets/files/tools\\_and\\_guidance/IASC%20Guidance%20and%20Tools/iasc-policy-on-protection-in-humanitarian-action.pdf](http://www.globalprotectioncluster.org/assets/files/tools_and_guidance/IASC%20Guidance%20and%20Tools/iasc-policy-on-protection-in-humanitarian-action.pdf). See also the UNHCR Master Glossary of Terms.



© UNHCR/Jiro Ose. Indonesia. After seven month ordeal at sea, Rohingya refugees find sanctuary.

## b) INTERNATIONAL PROTECTION

[International protection](#) refers to the protection that the international community accords to individuals or groups who are outside their own country, who are unable to return because they would be at risk there, and whose own country is unable or unwilling to protect them. In other words, given that the authorities in the country of origin of the displaced persons are unable or unwilling to protect these individuals, the international community needs to step in to provide international protection. This is done through the host State, also referred to as the country of asylum, notably via the institution of asylum, and through UNHCR and other international organizations in accordance with their mandates to individuals and groups. As such, the concept of international protection is closely associated with the protection of asylum-seekers, refugees and other groups of people who do not receive national protection, such as stateless persons.

International protection is related to, but distinct from, the broader concept of protection that applies to all humanitarian action and development work – no matter what kind of

emergency or population group is involved. UNHCR will always, from the outset, work with States and local institutions to support them in the provision of international protection but it can, based on its mandate, also step in and provide such international protection itself. International protection covers refugee protection, i.e. international protection for refugees, as well as complementary protection mechanisms and temporary protection or stay arrangements, on the basis of international human rights law standards (particularly non-refoulement obligations) and pragmatic and humanitarian considerations.

The risks that give rise to a need for international protection typically include those of persecution or other threats to life, freedom or physical integrity arising from a lack of protection for basic human rights, armed conflict, serious public disorder, different situations of violence, or a real risk of torture or other forms of serious or irreparable harm. Other risks may stem from the adverse effects of climate change and disasters, as well as being stateless. However, these elements are frequently interlinked and manifest as forced displacement.

## c) REFUGEE PROTECTION

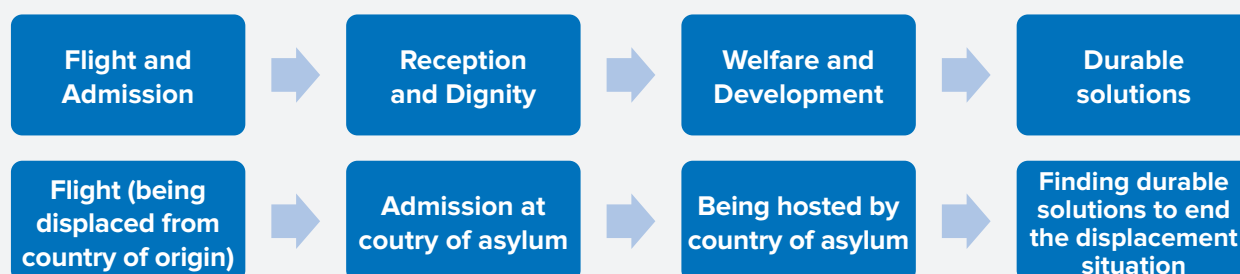
Refugee protection is based on the body of international instruments and customary international law that establishes standards for the protection of refugees. At the heart of international refugee law is the [1951 Convention relating to the Status of Refugees and its 1967 Protocol](#), complemented by regional treaties and declarations that also address the rights of refugees. Two major regional instruments focusing on refugee protection are the 1969 [OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#) and, in Latin America, the 1984 [Cartagena Declaration on Refugees](#). Notably, international refugee law does not operate in isolation. It is best understood in conjunction with international human rights law, starting with the 1948 Universal Declaration of Human Rights, and with international humanitarian law (the law of war), and other areas of law such as international labour law.

In addition to defining who is a refugee, the 1951 Refugee Convention lays down a set of basic human rights guaranteed to refugees. These rights are without prejudice to any rights and benefits granted to refugees outside of the 1951 Convention e.g. in international human rights law.<sup>15</sup> As stated in its preamble, the objective of the 1951 Convention is to endeavour to assure refugees the widest possible exercise of their fundamental human rights and freedoms.

According to its Statute, in fulfilling its international protection mandate, UNHCR is responsible for “promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto.”<sup>16</sup> This supervisory responsibility is reiterated in article 35 of the 1951 Convention and requires that States cooperate with UNHCR in the organization’s discharge of this duty. The elements of UNHCR’s supervisory role include issuing guidance on the interpretation of international standards relevant to the protection of refugees, stateless persons, IDPs and returnees, advising and assisting States in developing relevant legislation for the protection of the forcibly displaced and stateless persons, providing guidance on national asylum or refugee status determination procedures, intervening in relevant judicial institutions, making representations on issues relating to the forcibly displaced and stateless persons, conducting advocacy, and working with States to design operational responses that are sensitive to and that meet protection needs.<sup>17</sup>

Refugee protection begins with securing admission to safe territory, access to asylum procedures and adequate reception conditions that respect human rights – including [the principle of non-refoulement](#), without which the safety of refugees is in jeopardy – followed by ensuring and developing refugees’ welfare and social protection and ending with the attainment of a durable solution.

**FIGURE 1. THE REFUGEE JOURNEY/REFUGEE PROTECTION CYCLE**



<sup>15</sup> See article 5 of the 1951 Convention.

<sup>16</sup> See Statute of the Office of the United Nations High Commissioner for Refugees, United Nations General Assembly Resolution 428(V), Annex, UN Doc. A/1775, para. 8(a). Available from [www.unhcr.org/refworld/docid/3ae6b3628.html](http://www.unhcr.org/refworld/docid/3ae6b3628.html).

<sup>17</sup> “Summary conclusions – Supervisory responsibility” (Cambridge Roundtable, 2001). Available from [www.unhcr.org/protection/globalconsult/3bbd798a4/summary-conclusions-supervisory-responsibility.html?query=supervisory%20role](http://www.unhcr.org/protection/globalconsult/3bbd798a4/summary-conclusions-supervisory-responsibility.html?query=supervisory%20role).



© UNHCR/Valerio Muscella. Italy. UNHCR evacuates refugees from Libya detention to Rome.

## d) SOLUTIONS

[Durable solutions](#) are the means by which the situation of forcibly displaced and stateless persons can be **satisfactorily** and **permanently** resolved through ensuring national protection for their civil, cultural, economic, political and social rights without any distinction or discrimination vis-à-vis their compatriots.

In the refugee context, a durable solution generally involves voluntary repatriation and reintegration in the refugee's country of origin, local integration in the country of asylum, or resettlement to a third country. In the case of IDPs, a durable solution is achieved when individuals no longer have specific assistance or protection needs linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. This can be achieved through sustainable return and reintegration in the place of origin, sustainable local integration in areas where IDPs take refuge or sustainable integration in another part of the country (settlement elsewhere in the country) (A/HRC/13/21/Add.4). For stateless persons, durable solutions are linked to the provision or recognition of nationality.

UNHCR considers that a durable solution is achieved when the person of concern to UNHCR enjoys national protection in relation to the enjoyment of his or her civil, cultural, economic,

political and social rights without any form of discrimination. For instance, if a refugee voluntarily repatriates to his or her country of origin but is suffering from insecurity and unequal access to rights upon arrival, there is a strong likelihood that displacement will reoccur, so a durable solution has not been secured in such circumstance.

In addition to local integration, the GCR also acknowledges other [local solutions](#) for refugees, which may constitute an interim legal stay, to facilitate “the economic, social and cultural inclusion of refugees”, which would be without prejudice to them attaining eventual durable solutions. This aims to foster “the peaceful and productive inclusion of refugees and the well-being of local communities”, while addressing “issues such as documentation and residence permits” in the country of asylum and complementary pathways for admission to third countries such as family reunification, scholarship, education and private or community sponsorship programmes, as well as labour mobility schemes (A/HRC/13/21/Add.4). Hence, reinforced access to decent work, education or any other of the civil, cultural, economic, political and social rights will help facilitate the forcibly displaced and stateless persons to ultimately access one of the durable solutions. As such, protection and achieving solutions are overlapping and intrinsically interrelated and should be pursued in parallel.

## e) PROTECTION OF STATELESS PERSONS

In addition to its refugee mandate, UNHCR is mandated by the United Nations General Assembly to identify and protect stateless persons and to prevent and reduce statelessness.<sup>18</sup> There is an international legal framework to protect stateless persons and to prevent and reduce statelessness. The [1954 Convention relating to the Status of Stateless Persons](#) (1954 Convention) is the cornerstone of this international protection regime for these persons. In addition to providing the international legal definition of a stateless person as someone “who is not considered as a national by any state under the operation of its law”, the 1954 Convention also extends to such persons’ specific rights such as the right

to education, employment, housing, identity papers, travel documents and administrative assistance. The [1961 Convention on the Reduction of Statelessness](#) (1961 Convention) requires that States establish safeguards in legislation to prevent statelessness at birth or later in life, for example due to loss or renunciation of nationality or state succession.

While the exact number of stateless persons globally is unknown, it is estimated to be several million. UNHCR data received from 94 countries indicate that, at the end of 2020, there were an estimated 4.2 million stateless persons. Stateless persons are found in all regions of the world,

<sup>18</sup> Through a series of resolutions spanning several decades, the United Nations General Assembly effectively expanded on the formal mandate the Office was given in its 1950 Statute with respect to “stateless refugees”, providing a clear framework for UNHCR’s efforts to protect and find solutions for stateless persons whether or not they are refugees. See, for example, UNGA resolutions A/RES/49/169 of 23 December 1994; A/RES/50/152 of 21 December 1995; and A/RES/61/137 of 19 December 2006.





including in developed countries, and the majority of stateless persons were born in the countries in which they have lived their entire lives.

Statelessness can be caused by a number of factors, such as discrimination in nationality laws (e.g. racial, religious or sex), conflict between and gaps in nationality laws, and State succession. Administrative obstacles to acquiring nationality and birth documentation can also cause statelessness. A lack of birth registration can put people at risk of statelessness, as a birth certificate provides key information needed to establish a nationality. Risks of statelessness can also arise in situations of displacement, when people may lose their identity documents and find themselves in a situation where they are unable to prove their connection to their home country. Children born during forced displacement may also be at risk of statelessness if they are unable to obtain the nationality of their parents or that of the host country.

Statelessness can lead to a lifetime of obstacles and exclusion and prevent those affected from participating fully in society. For example, stateless persons often do not enjoy basic rights, such as access to education, health care, employment, property ownership, freedom to marry, freedom of movement, and political participation. Due to their lack of legal status, they are often forced to work in the informal sector, with little to no benefits or social protection. They are also at heightened risk of abuse and exploitation, arbitrary detention and trafficking.

[UNHCR’s Global Action Plan to End Statelessness](#) sets out a guiding framework of actions that need to be taken to eradicate statelessness. These include:

- establishing safeguards in nationality legislation to ensure that children born on a State’s territory acquire that State’s nationality if they would otherwise be stateless
- removing gender discrimination from nationality laws
- granting protection status to stateless migrants and facilitating their naturalization
- ensuring birth registration and access to nationality documentation to those who are entitled to it
- acceding to the United Nations statelessness conventions (1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness).

There are clear linkages between statelessness and development. Many of the [SDGs](#) and related targets are pertinent to addressing statelessness and improving the lives of stateless persons, as failure to address statelessness hinders development. As nationality is a “gateway right” – meaning it is what enables individuals to enjoy other rights – a lack of nationality prevents people from fully participating in, and therefore contributing to, society.

## For further details, see:

- [VIDEO: Cate Blanchett: What is statelessness?](#)
- [#IBelong campaign website](#)
- [RefWorld resources on statelessness](#)



© UNHCR/Santiago Escobar-Jaramillo. Chile. Venezuelan families get support at day centre in Arica.

## f) PROTECTION OF INTERNALLY DISPLACED PERSONS

IDPs are entitled to enjoy, equally and without discrimination, the same rights and freedoms under international and domestic law on an equal basis with non-displaced and other persons in their country. International human rights law, international humanitarian law and international criminal law provide a comprehensive legal framework for protection in all situations of internal displacement, including during armed conflict.<sup>19</sup> Unlike refugees, an IDP remains inside the boundaries of his or her own country. Further, the difference between refugees and IDPs is technical and legal and has little to do with their reasons for flight. Both categories of persons are often

affected by the same causes of displacement and they often have identical protection and material needs that deserve equal attention from the international community.

The “[Guiding principles on internal displacement](#)” sets 30 standards that outline the protections available to IDPs. Although not legally binding, these principles – which are drawn from relevant international law – have gained considerable authority since their adoption in 1998. They address protection against displacement, protection during displacement, and the framework for humanitarian assistance and

<sup>19</sup> “Handbook for the protection of internally displaced persons” (Global Protection Cluster Working Group, 2010). Available from [www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html](http://www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html).

protection in the context of durable solutions.<sup>20</sup> In the African context, the African Union set a precedent in international law by adopting the [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\)](#). This instrument provides a common legal framework for developing comprehensive responses to internal displacement in Africa.<sup>21</sup>

The specific needs and human rights concerns of IDPs do not automatically disappear when a conflict or natural disaster ends. Nor do they fade away when people initially find safety from ongoing conflicts or disasters. Rather, displaced persons – whether they return to their homes, settle elsewhere in the country or try to integrate locally – usually face ongoing problems and therefore require support until they achieve a durable solution to their displacement.<sup>22</sup> A durable solution for IDPs is achieved when they no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.<sup>23</sup>

[United Nations General Assembly Resolution 48/116](#) provides the legal basis for

UNHCR’s engagement in situations of internal displacement. UNHCR leads the Global Protection Cluster and co-leads the Global Shelter Cluster with the International Federation of Red Cross and Red Crescent Societies and the Global Camp Coordination and Camp Management Cluster with IOM. As the lead protection agency, UNHCR demonstrates protection leadership by providing expertise, analysis and advice on protection priorities to inform humanitarian response planning and strategic decision-making. Since UNHCR was first called upon by the United Nations General Assembly in 1971 to extend its expertise and assistance to IDPs, it has been mandated through various resolutions to provide protection and assistance to IDPs, in acknowledgement of the Office’s expertise in forced displacement and its capacity to adapt and respond to evolving emergencies, and the need to address people displaced within their own countries as critical to resolving refugee situations.

[The 2019 “Policy on UNHCR’s engagement in situations of internal displacement”](#) reaffirms UNHCR’s commitment to IDP situations as an integral part of UNHCR’s operations worldwide, and UNHCR’s protection leadership role in humanitarian crises.

20 See [www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement](http://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement) (accessed 10 February 2021).

21 “Making the Kampala Convention work for IDPs” (African Union, 2010). Available from [www.internal-displacement.org/sites/default/files/publications/documents/2010-making-the-kampala-convention-work-thematic-en.pdf](http://www.internal-displacement.org/sites/default/files/publications/documents/2010-making-the-kampala-convention-work-thematic-en.pdf).

22 “IASC framework on durable solutions for internally displaced persons” (The Brookings Institution – University of Bern and IASC, 2010). Available from [www.unhcr.org/50f94cd49.pdf](http://www.unhcr.org/50f94cd49.pdf).

23 “Handbook for the protection of internally displaced persons” (Global Protection Cluster, 2010). Available from [www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html](http://www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html).

## For further details, see:

- [“Inter-Agency Standing Committee policy on protection in humanitarian action”](#)
- 2019 [“Policy on UNHCR’s engagement in situations of internal displacement”](#)
- Global Protection Cluster, [“Handbook for the protection of internally displaced persons”](#)

# 8. KEY APPROACHES TO DESIGNING AND IMPLEMENTING PROTECTION AND SOLUTIONS INTERVENTIONS



© UNHCR/Catalina Betancur Sánchez. Colombia. UNHCR meets with refugee women to recognize and prevent gender based violence.



© UNHCR/Jaime Giménez. Ecuador. UNHCR and associations of refugees and migrants from Venezuela support people affected by natural disaster in Quito.

## a) COMMUNITY-BASED AND RIGHTS-BASED APPROACHES

The community-based approach is an inclusive partnership strategy that recognizes and builds on the capacities and resources of the forcibly displaced and stateless persons, by establishing trust and promoting meaningful participation, consultation and leadership in all aspects of programmes that affect them.<sup>24</sup> Displaced and stateless communities are

best-placed to know the threats they face, are familiar with the causes and effects of those threats, and can help address them. Hence, humanitarian actors need to understand and listen to the communities they serve, to ensure that their programmes are sustainable, inclusive and do not inadvertently leave people and communities worse off.

**FIGURE 2. UNHCR'S STRATEGIC DIRECTIONS (2022–2026)**

### UNHCR STRATEGIC DIRECTIONS



<sup>24</sup> [UNHCR Master Glossary of Terms](#).

In Figure 2, “empower” is the most relevant to community-based protection. This involves:

- holding ourselves accountable to the people we serve
- ensuring access to accurate information
- ensuring that our programmes and activities take account of diverse groups
- finding innovative ways to amplify the voices of the people we serve.

A rights-based approach is founded on the principles of participation and empowering individuals and communities to promote change and enable them to exercise their rights and comply with their duties. The forcibly displaced and stateless persons are no longer viewed as passive “beneficiaries of aid”, but as rights-holders with legal entitlements. This approach identifies rights-holders (women, girls, boys and men of concern to UNHCR) and duty-bearers (principally the State and its agents) and seeks to strengthen the capacities of rights-holders to make their claims and of duty-bearers to satisfy those claims.

**Accountability** is the cornerstone of a human rights-based approach. Feedback and response mechanisms must be accessible, operate promptly, fairly and transparently. They must be

able to assess claims of violations, determine responsibility and provide remedies to those who have suffered wrongful treatment. Without such mechanisms, course corrections might be delayed and errors or acts of wrongdoing can be addressed to ensure that they will not recur. It is not only about sanctioning mistakes; it is equally important that future violations are prevented by identifying remedies.

UNHCR conducts participatory assessments to ensure accountability to forcibly displaced and stateless persons. This is an annual exercise that provides the forcibly displaced and stateless persons with an opportunity to explain the protection risks they face and to participate as partners in the design of programmatic responses to issues affecting their lives. It gives the forcibly displaced and stateless persons the chance to discuss the main challenges they face from their own perspective, as well as their proposed solutions on how to tackle the identified challenges. Participatory assessments involve separate discussions with women, girls, boys and men, of diverse characteristics (or “in all their diversity”) including adolescents and people with specific needs, boys and men, including adolescents and people with specific needs, in order to gather accurate information on the specific protection risks they face and the underlying root causes, to better understand their capacities and to hear their proposed solutions.



© UNHCR/Lilly Carlisle. Jordan. Gender-based violence awareness course in Amman.

## b) ACCOUNTABILITY TO AFFECTED PEOPLE

UNHCR is accountable to the forcibly displaced and stateless persons from the outset of an emergency until durable solutions are achieved. This means taking a people-centred approach and requires direct and continuous engagement with communities of concern to UNHCR for the duration of their displacement, to make sure that they are able to participate meaningfully in decision-making that affects them. UNHCR, as well as the Inter-Agency Standing Committee (IASC) more broadly, advocates for all organizations working with communities to apply an accountability to affected people (AAP) approach.<sup>25</sup>

UNHCR's organizational commitments to AAP are outlined in the 2018 [“UNHCR policy on age, gender and diversity”](#) (hereafter AGD Policy) and further elaborated in the [AAP operational guidance](#).

### What is accountability?

**Accountability** is the responsible use of power, combined with effective and quality programming that recognizes the community's dignity, capacity, and ability for self-determination. This is often referred to as “taking account”, “giving account” and “being held to account” throughout the programme cycle.

**Taking account:** Communities have influence over decision-making with the involvement of voices of different age groups, with a range of ages, genders in all their diversity and diverse characteristics are involved in this process.

**Giving account:** Transparently and effectively sharing information with communities – again with an age, gender and diversity lens.

**Being held to account:** Being answerable to organizational decisions and staff actions by ensuring that communities have opportunities to assess programmes, provide feedback and raise complaints.

<sup>25</sup> See “Accountability to affected populations (AAP): A brief overview” (IASC, no date). Available from [https://interagencystandingcommittee.org/system/files/iasc\\_aap\\_psea\\_2\\_pager\\_for\\_hc.pdf](https://interagencystandingcommittee.org/system/files/iasc_aap_psea_2_pager_for_hc.pdf).

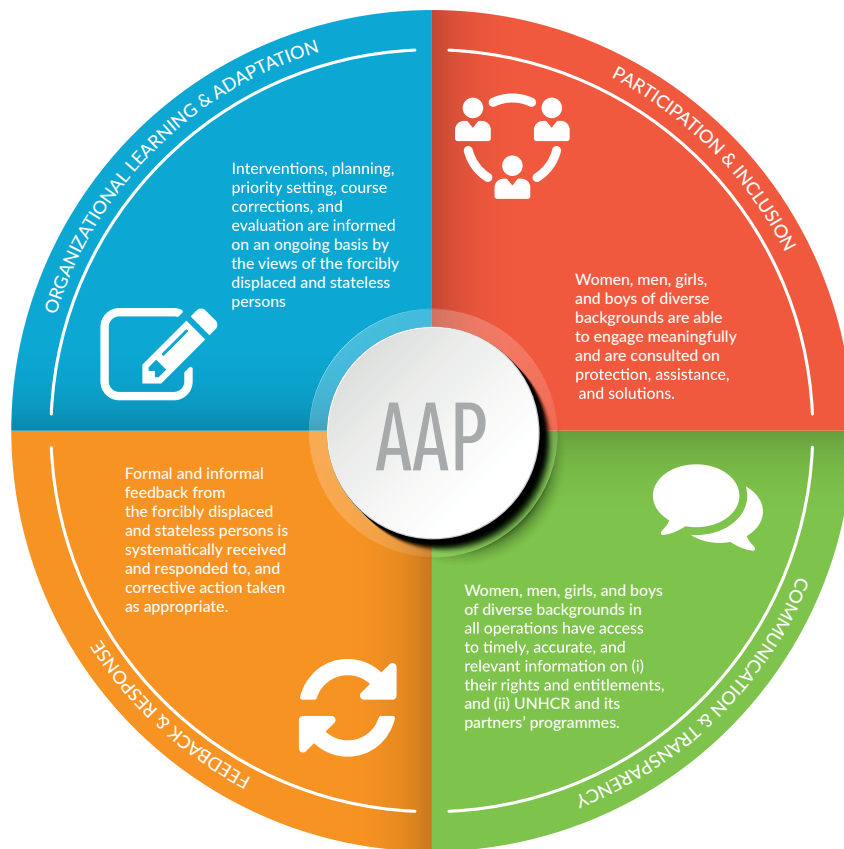


**FIGURE 3. KEY COMPONENTS OF ACCOUNTABILITY TO AFFECTED PEOPLE**



# ACCOUNTABILITY TO AFFECTED PEOPLE

Accountability to Affected People is a commitment to the intentional and systematic inclusion of the expressed needs, concerns, capacities and views of the forcibly displaced and stateless persons in their diversity; and being answerable for our organisational decisions and staff actions, throughout the operations management cycle.



**FIGURE 4. LEVELS OF PARTICIPATION**





**Participation and inclusion:** At a minimum, employ participatory methodologies at each stage, to incorporate the capacities and priorities of women, men, girls and boys of diverse backgrounds into protection, assistance, and solutions programmes (AGD Policy, core action 2).

**Communication and transparency:** Women, men, girls and boys of diverse backgrounds in all operations have access to timely, accurate and relevant information, on (1) their rights and entitlements, and (2) UNHCR and its partners' programmes (AGD Policy, core action 3).

**Feedback and response:** At a minimum, all UNHCR operations will establish and promote feedback and response systems, including for confidential complaints (AGD Policy, core action 4).

**Organizational learning and adaptation:** Interventions, planning, priority setting, course corrections and evaluations are informed on an ongoing basis by the views of the forcibly displaced and stateless persons (AGD Policy, core action 5).



© UNHCR/Jordan. Jordan. Syrian refugee family get cash assistance during COVID-19 crisis.

## Summary of key considerations for partners when applying a community-based and AAP approach:

- Demonstrate that sex, age-disaggregated data and gender analysis have been considered.
- From the outset, conduct needs assessments/ consultations, using AGD lenses and incorporating questions to determine information needs, existing communication capacities, preferred channels and trusted sources of information. Examine relationships between men and women and their access to and control over resources (to ensure that interventions do not exacerbate gender-based injustices, inequalities and protection risks).
- Ensure equal access to assistance, information and services for women, men, girls and boys of diverse characteristics (or in all their diversity).
- Ensure that women, men, girls and boys of concern to UNHCR participate fully in the decision-making process throughout the planning and implementation stages.
- Describe any differences in how project activities and benefits will be provided or accessed by both men and women.



© UNHCR/Jaime Giménez. Ecuador. UNHCR and associations of refugees and migrants from Venezuela support people affected by natural disaster in Quito.

## c) AGE, GENDER AND DIVERSITY MAINSTREAMING APPROACH

Forced displacement and statelessness impact people differently, depending on their age, gender, and other diversity factors. As stated in the [UNHCR AGD Policy](#), mainstreaming age, gender and diversity means that the specific needs, concerns and backgrounds of refugee, IDP and stateless girls, boys, women and men of all ages are at the core of the design, implementation, monitoring and evaluation of all UNHCR policies and operations so that these impact equitably on people of concern to

UNHCR. The GCR reiterated the importance of this, highlighting that the “programme of action is underpinned by a strong partnership and participatory approach, involving refugees and host communities, as well as age, gender and diversity considerations.”<sup>26</sup>

To implement an AGD framework in each of these areas, Figure 5 sets out the **10 obligatory core actions** that UNHCR operations need to take at a minimum.

<sup>26</sup> “AGD tip sheet for GRF pledges” (UNHCR, 2019). Available from [www.unhcr.org/5d4c0b6e7.pdf](http://www.unhcr.org/5d4c0b6e7.pdf).

**FIGURE 5. THE 10 OBLIGATORY CORE ACTIONS FOR UNHCR OPERATIONS**

<b>1. AGD-INCLUSIVE PROGRAMMING</b>	At a minimum, all data collected by UNHCR will be disaggregated by age and sex and by other diversity considerations, as contextually appropriate and possible, for purposes of analysis and programming.
<b>2. PARTICIPATION AND INCLUSION</b>	At a minimum, country operations will employ participatory methodologies at each stage of the operations management cycle, to incorporate the capacities and priorities of women, men, girls, and boys of diverse backgrounds into protection, assistance, and solutions programmes.
<b>3. COMMUNICATION AND TRANSPARENCY</b>	At a minimum, all country-level protection and solutions strategies will detail the operation's approach to communicating with women, men, girls, and boys of diverse backgrounds, through means that are appropriate and accessible to all groups in a community.
<b>4. FEEDBACK AND RESPONSE</b>	At a minimum, all UNHCR operations will establish and promote feedback and response systems, including for confidential complaints.
<b>5. ORGANIZATIONAL LEARNING AND ADAPTATION</b>	At a minimum, UNHCR operations will adapt programmes and strategies in response to input from the forcibly displaced and stateless persons and document this in Country Operations Plans and Annual Reporting.
<b>6. ADVANCING GENDER EQUALITY</b>	<p><b>A Women and girls participate equally and meaningfully in all decision-making, community management and leadership structures, and committees of the forcibly displaced and stateless persons.</b> At a minimum, UNHCR operations will ensure 50 per cent female participants in management and leadership structures under UNHCR's authority, and will advocate the same with partners, including Governments.</p> <p><b>B Women and girls are provided with individual registration and documentation, directly or through support provided by UNHCR.</b> At a minimum, UNHCR will provide women and girls of concern with protection documentation on an individual basis, and will advocate the same with partners, including Governments.</p> <p><b>C Women and girls have equal access to and control over management and provision of food, core-relief items, and cash-based interventions.</b> Depending on the context, UNHCR operations will increase the percentage of women as the primary recipients of assistance within households receiving material and/or cash-based assistance.</p> <p><b>D Women and girls have equal access to economic opportunities, including decent work and quality education and health services.</b> At a minimum, UNHCR will ensure women and girls have equal access to livelihood, education, and health programmes it delivers, and will advocate with partners, including Governments, for their equal access to public services.</p> <p><b>E Women and girls have access to comprehensive SGBV prevention and response services.</b> At a minimum, UNHCR operations will adopt and implement SGBV standard operating procedures, operationalizing the four main referral pathways for all survivors (safety/security, legal, medical, and psychosocial), and will promote the same with partners, including Governments.</p>



© UNHCR/Bassam Diab. Syria. Aid convoy reaches families in besieged Damascus suburb.

## For further details, see:

- [“A community-based approach in UNHCR operations”](#)
- [“Accountability to affected populations \(AAP\): A brief overview”](#)
- [“Global action plan to end statelessness: 2014–2024”](#)
- [“Operational guidance on accountability to affected people \(AAP\)”](#)
- [“UNHCR policy on age, gender and diversity”](#)

# 9. KEY PROTECTION AND SOLUTIONS ACTIVITIES



© UNHCR/Allana Ferreira, Brazil. UNHCR helps to build COVID-19 health facility in Boa Vista.

## a) POLICY AND LAW



© UNHCR/Basharat Naser. United Arab Emirates (UAE) / Trucks loaded with UNHCR relief items (hospital tents).

As stated in [the 1950 UNHCR statute](#), UNHCR is mandated to promote the conclusion and ratification of international conventions for the protection of refugees, to supervise their application, to propose amendments, and to advise and assist States in developing relevant legislation in line with international standards. In carrying out this role, it works with governments and other stakeholders to ensure a better understanding and a more uniform interpretation and application of international refugee principles and standards, as well as law and policies relating to the prevention of statelessness and protection of stateless persons.

UNHCR issues policy and law guidance, providing strategic and doctrinal advice on the protection of the forcibly displaced and stateless persons. It provides technical support to States to help them develop policies and legislation concerning the forcibly displaced and stateless persons that are in line with international standards. It also provides advice to States on the application of the relevant refugee laws and policies and contributes to the development and observance of basic standards for the treatment of not only refugees and

stateless persons but also IDPs, as law and policy in countries affected by internal displacement is also an area of special concern to UNHCR.<sup>27</sup> The organization plays an important role in strengthening the capacity of relevant government authorities, non-governmental organizations and other stakeholders.<sup>28</sup> It also plays an advocacy role with government counterparts and stakeholders towards the adoption of laws and policies that promote solutions and inclusion, without discrimination, of refugees, stateless persons and IDPs in national systems, in line with the GCR, SDGs and other relevant standards.

The ILO is an essential partner for UNHCR to ensure that laws, policies and practices provide refugees, stateless persons and IDPs with access to decent work in line with international human rights and labour standards. Refugees' and stateless persons' access to the labour market is explicitly recognized in the 1951 Refugee Convention and the 1954 Convention relating to the Status of Stateless Persons, which distinguish between wage-earning employment, self-employment and the practice of liberal professions and clarify that refugees and stateless persons shall enjoy the same treatment with respect to workplace rights as nationals, particularly regarding safe and healthy working conditions, promotion opportunities, training and working hours, rest, leisure and holidays. The [“Guiding principles on internal displacement”](#) also highlight IDPs' right to freely seek opportunities for employment and to participate in economic activities without discrimination, whether or not they are living in camps. Access to employment and livelihoods is also one of the key criteria to determine to what extent an IDP has achieved a durable solution.

27 UNHCR also leads the Task Team on Law and Policy of the Global Protection Cluster. This task team was established in 2015 to coordinate multi-stakeholder efforts to advocate for, promote and support States' efforts in developing domestic and regional normative frameworks on the protection and assistance of IDPs. For more information, see [www.globalprotectioncluster.org/themes/law-and-policy-on-internal-displacement/](http://www.globalprotectioncluster.org/themes/law-and-policy-on-internal-displacement/).

28 “A guide to international refugee protection and building state asylum systems” (UNHCR, 2017). Available from [www.refworld.org/docid/5a9d57554.html](http://www.refworld.org/docid/5a9d57554.html).

## b) ACCESS TO TERRITORY, REGISTRATION AND DOCUMENTATION

The starting point for international protection is the admission of people to a safe territory where they can seek asylum and be protected. The cornerstone of international protection, as stated under article 33(1) of the 1951 Convention, is [the principle of non-refoulement](#). This is a core principle of international human rights and refugee law, prohibiting States from returning individuals in any manner whatsoever (whether directly or indirectly) to territories where they may be at risk of [persecution](#), torture or other forms of serious or irreparable harm. The principle of non-refoulement as expressed in article 33(1) of the 1951 Convention is part of customary international law and is therefore binding on all States, regardless of whether they are parties to the 1951 Convention, the 1967 Protocol or other relevant international or regional refugee or human rights law instruments.

Registration and identification of refugees is key for the people concerned, as well as for States to know who has arrived and facilitate access to assistance and protection. According to article 35(2) of the 1951 Refugee Convention, the responsibility of registering refugees and providing statistical data including, among others, the condition of refugees, rests on the hosting State. Similarly, the hosting State is responsible for issuing identity, civil and travel documentation, as well as other relevant documents.<sup>29</sup> However, UNHCR may also conduct registration independently in accordance with its mandate, notably in countries with deficient registration systems. In some countries, UNHCR issues identity documentation to asylum-seekers and refugees, although increasingly identity documentation is issued by government authorities in accordance with international law, even where registration is still carried out by UNHCR. Government-recognized identity documentation is a key protection tool and can constitute proof

<sup>29</sup> Articles 12, 25(2), 27 and 28 of the 1951 Refugee Convention.



© UNHCR/Samuel Otieno. Kenya. UNHCR partner trains refugee women in gender-based violence counselling.

of legal identity which is crucial for the legal, socioeconomic and digital inclusion of the forcibly displaced and stateless persons within their host communities. For example, documents such as an identity (ID) card can help protect against refoulement, facilitate freedom of movement in the host country, assist in accessing basic services and rights, such as access to the labour market, and enable refugees to open bank accounts, register for a SIM card and access online services.

At the centre of UNHCR's work in registration and identity management lies UNHCR's digital Population Registration and Identity Management Ecosystem (PRIMES). PRIMES brings together all of UNHCR's digital registration, identity management and case management tools into one internally connected and interoperable ecosystem. Data concerning refugees are highly sensitive, and considerable safeguards are put in place to ensure data confidentiality and avoid data breaches in PRIMES.

## c) REFUGEE STATUS DETERMINATION

Refugee status determination (RSD) is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is a refugee under international, regional or national law. States have the primary responsibility for conducting RSD; however, UNHCR may conduct RSD under its mandate, and does so particularly when a State is not party to the 1951 Convention nor the 1967 Protocol, or does not have a fair and efficient national asylum procedure in place.

UNHCR works with States to enhance their capacity, with a view to them taking increased responsibility for RSD and strengthening national asylum systems. Refugee status is usually determined through an individual assessment of an asylum-seeker's situation. However, in some circumstances – such as in situations of mass influx – a prima facie

(group recognition) approach may be more efficient, meaning that refugee status is recognized on the basis of readily apparent, objective circumstances in the country of origin indicating that individuals fleeing these circumstances are at risk of harm, which brings them within the applicable refugee definition, rather than through an individual assessment. On the request of States and in accordance with its supervisory responsibility, UNHCR issues authoritative legal and country of origin guidance for governments, legal practitioners, decision makers, the judiciary and UNHCR staff carrying out RSD in the form of a [“Handbook on procedures and criteria for determining refugee status, guidelines on international protection”](#). UNHCR also works with States to establish and strengthen statelessness determination procedures to ensure that stateless persons are identified and have access to their rights.



© UNHCR/Roger Arnold. Bangladesh. UNHCR Hygiene Kit Distribution.



## d) IDENTITY PAPERS AND TRAVEL DOCUMENTS

**Identity papers:** Article 27 of the 1951 Refugee Convention stipulates that States shall issue identity papers to any refugee in their territory who does not possess a valid travel document. As already mentioned, the provision of legal and valid documentation to refugees is critical for their legal security and status and their enjoyment of access to public services. Article 27 of the 1954 Convention contains the same right for stateless persons.

**Conventional Travel Document (CTD):** Refugees often arrive without a passport from their countries of origin, and even once inside the asylum country, they are not able to apply for a passport from the consular authorities of their countries of origin, since doing so may expose them to protection risks. As per article 28 of the 1951 Convention, the States parties have assumed the obligation not only to issue CTDs but, more importantly, to honour the refugee travel documents issued by other States parties, to make transit visas available to refugees as required, and to re-admit the holders of refugee travel documents issued by them. States can only refuse to issue CTDs if there are compelling reasons relating to national security or public order.



© UNHCR/Frederic Noy. Kazakhstan. Stateless people living in the city of Chymkent.

[A study conducted by the ILO on Syrian refugees](#) shows that refugees that hold a valid work permit “experience more decent work than their counterparts without valid work permits”. Hence, where relevant, UNHCR and the ILO should collaborate even more closely to work with government authorities on systems and structures relating to work permits, business licences and other documents that improve decent work for the forcibly displaced and stateless persons. It is also important that they strengthen coordination and collaboration with other partners and stakeholders to ensure coherence in this area of work, as well as engage in inclusive dialogue on efforts to further facilitate access to labour markets and livelihoods for refugees, including by reviewing mechanisms such as work permits. For instance, the Turkish Government adopted [a Regulation on Work of Foreigners under Temporary Protection](#), allowing Syrian refugees in possession of temporary identity cards and residing in Turkey for six months to apply for work permits.

## e) VITAL EVENTS REGISTRATION

Civil and birth registration help States to have accurate information about the persons living on their territories and are major tools for protection and solutions, including for refugee women, girls and other people with specific needs. While it does not necessarily lead to conferral of nationality, birth registration helps establish legal identity, avoid serious protection risks and prevent the risk of statelessness.<sup>30</sup> Without birth registration, individuals may have difficulties proving that they have links to a State and face challenges in accessing basic services.

UNHCR has continued to engage host countries on SDG target 16.9, which aims to provide legal identity for all, including birth registration.<sup>31</sup> It has been providing support for the inclusion of refugees in national registries and the subsequent issuance of nationally recognized ID documents, which represent a powerful protective tool enabling refugees to access rights and pursue social and economic opportunities that can help rebuild their lives. Further, UNHCR Executive Committee has encouraged States to make civil registration accessible.<sup>32</sup>

30 “Global Compact on Refugees” (United Nations, 2018), para. 82. Available from [www.unhcr.org/5c658aed4.pdf](http://www.unhcr.org/5c658aed4.pdf).

31 “UNHCR engagement with the Sustainable Development Goals” (UNHCR, 2019). Available from [www.unhcr.org/5ef33d3f4.pdf](http://www.unhcr.org/5ef33d3f4.pdf).

32 “Conclusion on civil registration No. 111 (LXIV) – 2013” (ExCom, 2013).



© UNHCR/Andrew McConnell. Afghanistan. UNHCR distributes winter cash payments to displaced families in Kabul.

## f) CHILD PROTECTION



© UNHCR/Antonia Vadala. Democratic Republic of Congo. Burundian refugees are voluntarily repatriated.

The protection of children is at the heart of UNHCR's protection mandate. Children – whether refugees, internally displaced or stateless – are at greater risk of abuse, neglect, violence and exploitation. UNHCR works to protect children by addressing their unique needs and the protection risks they encounter. On the ground, UNHCR demonstrates its commitment to protecting and realizing the rights of forcibly displaced and other children by advocating against discrimination; facilitating children's access to national systems; preventing and responding to abuse, neglect, violence and exploitation by ensuring timely access to appropriate services and child-friendly procedures, including the Best

Interests Procedure (UNHCR's child protection case management) for children at risk; providing mental and psychosocial support; enhancing the role of the community and the family in child protection to mitigate the risks of negative coping mechanisms, norms and behaviours; providing cash assistance; supporting community and family-based care for unaccompanied and separated children; and ensuring that solutions are in the child's best interests.

Article 32 of the United Nations Convention on the Right of the Child recognizes the right of the child to be protected from economic exploitation. This includes work that is hazardous or interferes with the child's education or is harmful to the child's health or development. In situations of displacement, parents and children often face severe economic constraints following the destruction of their livelihoods. In addition, parents may not be permitted to work in the host country, and access to informal employment may be difficult for adults. This can lead to children and families resorting to negative coping mechanisms in order to survive, with some children at risk of engaging in work that could potentially be harmful.<sup>33</sup>

Eliminating child labour constitutes a key area of collaboration between the ILO and UNHCR that could be further strengthened. At the global level, the ILO and UNHCR are involved in a number of initiatives addressing issues relating to child labour, including Alliance 8.7 which is aimed at meeting SDG target 8.7 on eliminating unacceptable forms of work, including child and forced labour. Both the ILO and UNHCR have also, for example, been collaborating on the issue of child labour among Syrian refugees, where [a Regional Framework for Action](#) on child labour developed by UNHCR, the ILO and UNICEF provides a regionally coherent approach to addressing child labour in the five countries covered.

### For further details, see:

- Data collection in Jordan on child labour in Syrian refugees: [Working Group: Vulnerability Assessment Framework \(VAF\) – Jordan](#)
- [“Minimum standards for child protection in humanitarian action” \(CPMS\)](#)

<sup>33</sup> “Child protection issue brief: Child labour” (UNHCR, 2014). Available from [www.refworld.org/docid/53fc38804.html](http://www.refworld.org/docid/53fc38804.html).

## g) GENDER-BASED VIOLENCE

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts – or threats of acts – that inflict physical, sexual, mental and/or economic harm or suffering, coercion and other deprivations of liberty.<sup>34</sup> GBV is based on patriarchal power relations and gender discrimination and can take many forms. While it can be the reason people are forced to flee, it may also occur during flight and refuge. Regardless of the reason for displacement, the risk of GBV is heightened among displaced persons, particularly among women and girls who are disproportionately affected.

“UNHCR’s policy on the prevention of, risk mitigation, and response to GBV”, underpinned by core global guidance and commitments, has two core objectives:

- Risk of GBV is reduced for the forcibly displaced and stateless persons.
- All survivors have adequate and timely access to quality services.

Together with its partners, UNHCR implements life-saving specialized programming (i.e. prevention and response) and integrates GBV risk mitigation interventions across all areas of its work. In refugee settings, UNHCR also provides leadership by coordinating the GBV sub-sector and response.

<sup>34</sup> “Inter-Agency Standing Committee policy on protection in humanitarian action” (Inter-Agency Standing Committee, 2016). Available from [www.globalprotectioncluster.org/\\_assets/files/tools\\_and\\_guidance/IASC%20Guidance%20and%20Tools/iasc-policy-on-protection-in-humanitarian-action.pdf](http://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/IASC%20Guidance%20and%20Tools/iasc-policy-on-protection-in-humanitarian-action.pdf).



© UNHCR/Jaime Giménez. Ecuador. UNHCR delivers hygiene kits to women survivors of sexual and gender-based violence to help combat COVID-19.

**Prevention:** Refers to actions that prevent GBV from occurring by addressing its root causes.

**Risk mitigation:** Refers to actions to reduce risk of exposure to GBV through programming.

**Response:** Refers to multisectoral interventions that address a survivor's needs and support their long-term recovery and reintegration. Increasing the safe access of women and older adolescent girls to economic support is a critical component of a multisectoral GBV response. It supports recovery and can increase not only access to resources and opportunities but also the decision-making power of women and girls. Over time, this can contribute to addressing gender inequality and harmful social norms and help increase the visibility and meaningful participation of women in public life.

For forcibly displaced and stateless women and girls, there are often many barriers and intersecting factors prohibiting them from accessing much-needed livelihoods and economic resources. These can include norms that prevent them from working outside the home, lack of legal documentation, fear of exposure to GBV in the workplace, lack of care arrangements for children or other dependents and stigma. Older women and women with disabilities may face other barriers that are specific to them.

Addressing basic needs is often a primary concern and integrating safe opportunities for employment should be considered from the onset of emergencies. These opportunities should be included in standard operating procedures (SOPs) and referral pathways for GBV survivors that are implemented by GBV coordination structures.

Supporting women's and girls' access to and control over economic resources is an important element of increasing self-sufficiency, empowering women and girls and supporting the mitigation of GBV risks, including sexual exploitation and abuse. This overarching objective could be a key area of collaboration between the ILO and UNHCR. The design of livelihoods and economic empowerment programming must be based on an understanding of the context, and social, cultural and gender norms within the community. Programmes should also have in-built mechanisms to ensure that no unintended harm is caused and that GBV risks are not increased.

## For further details, see:

- [“A framework for the protection of children”](#)
- [“Call to action on protection from gender-based violence in emergencies”](#)
- [“Handbook on procedures and criteria for determining refugee status and guidelines on international protection”](#)
- [“The Inter-Agency minimum standards for gender-based violence in emergencies programming”](#)
- [“UNHCR policy on the prevention of, risk mitigation, and response to gender-based violence”](#)
- ExCom “Conclusion on registration and asylum-seekers no. 91 (LII)-2001”
- [The IASC “Guidelines for integrating gender-based violence interventions in humanitarian action”](#)



© UNHCR/Alissa Everett. Mozambique. UNHCR relief arrives in devastated coastal region.

## h) DURABLE SOLUTIONS FOR REFUGEES

The search for durable solutions for refugees, including local solutions and complementary pathways, through resolute and sustained international cooperation and support is an important component of the New York Declaration and is one of the primary objectives of the GCR.

UNHCR works with partners to improve the enjoyment of rights by the forcibly displaced and stateless persons throughout displacement, progressively moving towards comprehensive

durable solutions. A comprehensive durable solution will enable a refugee to enjoy all his or her rights to the same extent as nationals and in all legal, economic, social, cultural, political and civil dimensions, each of which needs to be addressed for a solution to be sustainable. Durable solutions include voluntary repatriation, resettlement and local integration. In addition to the three durable solutions, countries may opt to provide other local solutions to refugees<sup>35</sup> and complementary pathways for admission to third countries.

<sup>35</sup> Global Compact on Refugees, paragraph 100, states that “In addition to local integration [...] some host countries may elect to provide other local solutions to refugees. Such solutions entail interim legal stay, including to facilitate the appropriate economic, social and cultural inclusion of refugees, and are provided without prejudice to eventual durable solutions that may become available.”

**Voluntary repatriation and sustainable**

**reintegration** occur when uprooted people return to their homes after making a free and informed decision to do so. The return of refugees must be voluntary – free from physical, psychological or material coercion to return. It must also take place in conditions of safety and with dignity. Whereas the 1951 Convention does not directly address the issue of voluntary repatriation, UNHCR’s Statute entrusts the High Commissioner to facilitate voluntary repatriation and assist governments by providing protection to refugees through repatriation.

The UNHCR 2008 policy framework and implementation strategy relating to reintegration regards reintegration as “a process which involves the progressive establishment of conditions which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives [...] By the nature of its mandate and competence, UNHCR’s reintegration activities will, in the majority of cases, be relatively short-term in nature and impact. At the same time, the Office considers it crucial for reintegration to be sustainable, thereby contributing to the long-term welfare of the populations concerned, the viability of the peacebuilding process, the prevention of further violence and displacement, and the promotion of engagement of development actors.”<sup>36</sup>

**Resettlement** occurs when refugees take up an offer of permanent admission to a safe third country to rebuild their lives. It is a protection tool that helps provide a safer environment for refugees whose safety is under threat in the country of asylum and is part of a responsibility-sharing mechanism to allow more countries – often higher-income nations – to protect refugees alongside the countries of first asylum. Through resettlement, refugees have access to permanent legal residence in the country of resettlement and possibly to naturalization

after a certain period. Through naturalization, the resettled individuals cease to be refugees.

In addition, **complementary pathways** are safe and regulated avenues for refugees that complement resettlement by providing them with a lawful stay in a third country where their international protection needs are met. Complementary pathways may offer permanent solutions immediately or may contribute to durable solutions realized progressively through the use of a series of residency permits or visas. For example, some complementary pathways for admission, such as humanitarian admission, private or community sponsorship programmes or humanitarian visas, may be intended for persons in need of international protection. Other complementary pathways, such as family reunification, education and labour migration opportunities, are entry or migration avenues that should increasingly be made available to persons in need of international protection.

**Local integration and other local solutions:**

The 1951 Convention and its 1967 protocol and relevant human rights instruments provide a useful framework for guiding the local integration of refugees. Local integration occurs when refugees legally, economically and socially integrate into the host country, availing themselves of the national protection of the host government.<sup>37</sup> Firstly, it is a legal process, whereby refugees attain a progressively wider range of rights and entitlements in the hosting State, which are broadly commensurate with those enjoyed by citizens. These rights include freedom of movement, access to education, access to the labour market, access to certain public assistance, including health facilities, the possibility of acquiring and disposing of property, and the option to travel abroad with government-issued valid identification. Over time, the local integration process should lead to permanent residence rights and, for those who

36 “Policy framework and implementation strategy: UNHCR’s role in support of the return and reintegration of displaced populations” (UNHCR, 2008). Available from <https://www.refworld.org/pdfid/48c628d42.pdf>.

37 “Conclusion on local integration no. 104” (UNHCR ExCom, 2005). Available from [www.unhcr.org/excom/exconc/4357a91b2/conclusion-local-integration.html](http://www.unhcr.org/excom/exconc/4357a91b2/conclusion-local-integration.html). See also <https://www.unhcr.org/afr/solutions.html>.

voluntarily seek to do so, the acquisition of the nationality of the country of asylum. Secondly, it is an economic process of attaining a growing degree of self-reliance and sustainable livelihoods comparable to the host community, thus contributing to the economic life of the hosting State. Lastly, it is a social and cultural process of adaptation and acceptance, whereby refugees are able to live among or alongside the host community, without discrimination or exploitation, and actively contribute to the social life of their country of asylum.<sup>38</sup>

Some host countries may choose to provide other local solutions that entail interim legal stay, including to facilitate the appropriate economic, social and cultural inclusion of refugees. These

are provided without prejudice to eventual durable solutions that may become available<sup>39</sup> and in an arrangement that does not replace but rather complements and facilitates access to durable solutions, particularly local integration.<sup>40</sup> Local solutions aim to reinforce access to rights and thereby to ensure a progressive approach to potentially accessing a durable solution. These rights are enshrined in various international, regional and national legal instruments together with soft law sources (whether focusing on refugees or on specific themes such as labour or human rights broadly) that define refugee rights and constitute the law and policy framework for the provision of local solutions that will strengthen refugees' capacities to ultimately attain durable solutions.<sup>41</sup>

UNHCR's "[The three-year strategy \(2019–2021\) on resettlement and complementary pathways](#)" underscores the importance of the additional pathways to solutions. As stated in the ILO's "[Guiding principles: Access of refugees and other forcibly displaced persons to the labour market](#)", members should promote labour mobility as one of the pathways for admission and for responsibility-sharing with countries hosting large numbers of refugees and other forcibly displaced persons and should include such pathways for admission in their national policies. It also provides that: "members should integrate international labour standards, the Decent Work Agenda and the Multilateral Framework on Labour Migration, where possible, into national policies and regional and bilateral agreements governing the development and expansion of labour mobility pathways for refugees by granting labour market access. Such policies and agreements should involve consultations with employers' and workers' organizations." Hence, in the framework of the ILO-UNHCR partnership, labour mobility for refugees provides a clear entry point for collaboration, particularly in jointly advocating for the integration of such pathways for admission in national policies.

## For further details, see:

- "[Conclusion on local integration no. 104](#)"
- "[Global Compact on Refugees](#)"
- "[The three-year strategy \(2019-2021\) on resettlement and complementary pathways](#)"

38 Jeff Crisp, "The local integration and local settlement of refugees: a conceptual and historical analysis", New Issues in Refugee Research, Working Paper, No. 102 (Geneva, UNHCR, 2004).

39 "Global Compact on Refugees" (United Nations, 2018). Available from [www.unhcr.org/5c658aed4](http://www.unhcr.org/5c658aed4).

40 "Local solutions for refugees: Key considerations" (ICVA and UNHCR, 2021). Available from [www.icvanetwork.org/resource/local-solutions-for-refugees-key-considerations/](http://www.icvanetwork.org/resource/local-solutions-for-refugees-key-considerations/).

41 Ibid.





© UNHCR/Ruben Salgado Escudero. Colombia. Displaced and attacked, indigenous community now feel abandoned.

## i) SELF-RELIANCE, ECONOMIC INCLUSION, AND LIVELIHOODS

Improving livelihoods through economic inclusion is a key component of achieving protection and solutions for all forcibly displaced persons. Economic inclusion helps increase self-reliance and resilience among refugees and IDPs, empowering them to meet their needs in a safe, sustainable and dignified manner; avoids aid dependency and negative coping mechanisms; contributes to the host economies; and prepares refugees and IDPs for their future whether they return home, integrate into their country of asylum or into their place of refuge, or resettle in a third country or settle elsewhere within their country as IDPs.

The 1951 Refugee Convention explicitly provides for the right to work and for the protection of labour rights of those working, in articles 17, 18, 19 and 24. These articles prescribe a level of treatment of refugees when accessing the labour market, which expands incrementally according to the form of presence or residence and length

of stay that the refugee has in the host country. Notably, while the provisions of the 1951 Refugee Convention provide for a level of treatment of refugees, the substantive content of the rights themselves is derived from international human rights law, particularly the [International Covenant on Economic, Social and Cultural Rights](#), and international labour standards as developed by the ILO. It follows from article 5 of the 1951 Refugee Convention that the rights and benefits granted by the convention are to be complemented by rights granted by other international, regional or domestic instruments. Further, the preamble to the 1951 Refugee Convention specifies that part of the object and purpose of the convention is to grant refugees “the widest possible exercise” of fundamental rights and freedoms. International instruments providing rights to refugees are therefore instrumental in understanding the full range of rights and benefits accorded to refugees in international law.<sup>42</sup>

<sup>42</sup> For an extensive overview of standards applicable to refugees in accessing decent work, see “UNHCR guidelines on international legal standards relating to decent work for refugees” (UNHCR, 2021). Available from [www.refworld.org/docid/60e5cfd74.html](http://www.refworld.org/docid/60e5cfd74.html). These guidelines also explain terminology used in the 1951 Refugee Convention, such as “lawfully in”, “lawfully staying” and “same circumstances”.

**FIGURE 6. THE 1951 REFUGEE CONVENTION ARTICLES PROVIDING FOR THE RIGHT TO WORK AND FOR THE PROTECTION OF LABOUR RIGHTS**

Article 17 Wage Earning Employment	Article 18 Self Employment	Article 19 Liberal Professions	Article 24 Labour Legislation and Social Security
<ul style="list-style-type: none"> <li>● <b>Form of presence:</b> Lawfully staying refugees (<i>recognized refugees / beneficiaries of international protection</i>)</li> <li>● <b>Level of treatment:</b> <ul style="list-style-type: none"> <li>○ On par with most favoured foreign nationals in the same circumstances</li> <li>○ After three years of residence, or if married to or parent of national – treatment on par with nationals.</li> <li>○ Aim for equity with nationals for “all refugees”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● <b>Form of presence:</b> Lawfully present refugees (<i>refugees known to the authorities, e.g. asylum-seekers</i>)</li> <li>● <b>Level of treatment:</b> <ul style="list-style-type: none"> <li>○ As favourable as possible</li> <li>○ At least on par with foreign nationals generally in the same circumstances</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● <b>Form of presence:</b> Lawfully staying refugees (<i>recognized refugees / beneficiaries of international protection</i>)</li> <li>● <b>Level of treatment:</b> <ul style="list-style-type: none"> <li>○ As favourable as possible</li> <li>○ At least on par with foreign nationals generally in the same circumstances</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● <b>Form of presence:</b> Lawfully staying refugees (<i>recognized refugees / beneficiaries of international protection</i>)</li> <li>● <b>Level of treatment:</b> <ul style="list-style-type: none"> <li>○ On par with nationals</li> </ul> </li> </ul>

Articles 17, 18, 19 and 24 of the 1954 Convention accord these same rights to stateless persons.

The ILO states that “Decent work sums up the aspirations of people in their working lives.”<sup>43</sup> This is also true for refugees, stateless persons and IDPs. The ability of forcibly displaced persons to access decent work opportunities is fundamental to their protection and well-being. It enhances resilience, reduces vulnerability and contributes to their development, engagement and recognition within the host community – factors that ultimately pave the way for durable solutions.<sup>44</sup>

A number of rights are essential to enable refugees to access the labour market. A central enabling right is freedom of movement. Article 26 of the 1951 Convention provides refugees who are lawfully in a host country the right to move freely and to choose their place of residence within its territory on an equal footing with

foreign nationals who are generally in the same circumstances. Article 26 of the 1954 Convention grants the same right to stateless persons. However, a significant number of refugees are residing in refugee camps where their freedom of movement is restricted. UNHCR’s policy is to avoid the establishment of refugee camps, wherever possible, while pursuing alternatives to camps that ensure refugees are protected and assisted effectively and enabled to achieve solutions. Many aspects of the rationale, objectives and key elements for implementation of this policy are also relevant to, and inform UNHCR’s engagement in, situations of internal displacement. In addition, safety and security, freedom of movement, choice of residence and effective access to justice without discrimination are also absolutely essential conditions for refugees, stateless persons and IDPs to achieve durable solutions, in line with relevant international standards.

43 See [www.ilo.org/global/topics/decent-work/lang-en/index.htm](http://www.ilo.org/global/topics/decent-work/lang-en/index.htm).

44 “UNHCR guidelines on international legal standards relating to decent work for refugees” (UNHCR, 2021).

Another important enabling right, the freedom of association, including to join trade unions, is provided for in article 15 of the 1951 Refugee Convention, and is replicated for stateless persons in the 1954 Convention.

Finally, in order to seek redress and safeguard rights to which they are entitled, all refugees shall according to article 16 of the 1951 Convention have free access to courts of law. Refugees who are habitually resident in a country shall enjoy the same treatment as nationals as regards access to courts, including for example legal assistance. As per article 16 of the 1954 Convention, stateless persons have the same right to free access to courts of law. Refugees and stateless persons nonetheless often face practical obstacles and difficulties that hamper their access to justice, including geographical inaccessibility, restrictions on freedom of movement, lack of adequate legal representation, lack of knowledge and awareness of their rights and procedures to uphold them, language and other barriers.<sup>45</sup>

With the commitment to protect the human rights of all refugees and migrants, the New York Declaration for Refugees and Migrants includes the objectives, among others, of easing pressure on host countries and enhancing refugee self-reliance. The GCR,<sup>46</sup> which followed the New York Declaration, was affirmed by the United Nations General Assembly in December 2018. The GCR has four interlinked and interdependent objectives: to ease pressures on host countries, enhance refugee self-reliance, expand access to third-country solutions, and support conditions in countries of origin for people to return in safety and dignity. To support the periodic review of the GCR and its impact, a GCR indicator framework<sup>47</sup> has been developed to strengthen the availability of global data structured around these four objectives. The indicator framework will provide

a global overview of international solidarity and responsibility-sharing for refugee situations, and the related impact on refugees.

Further, SDG 8 is a call to action for States to promote “sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all”. The ILO’s [recommendation no. 205 concerning employment and decent work for peace and resilience](#) and [“2016 general principles and operational guidelines for fair recruitment”](#) stressed the importance of including forcibly displaced persons in the labour market. All of these initiatives call for the enhancement of refugees’ and IDPs’ resilience and self-reliance, and a whole-of-society approach. Providing the opportunity to engage in productive lawful employment under just and favourable conditions is therefore an essential part of a comprehensive refugee response framework.<sup>48</sup>

UNHCR’s [“Refugee livelihoods and economic inclusion: 2019–2023 global strategy concept note”](#) highlights a three-pronged approach. The first is to “engage in advocacy to enhance the enabling environment such that refugees have legal and de facto access to decent work (such as through rights to work, own a business, access financial services, land/property ownership, and freedom of mobility).” Second is to “partner with and convene expert entities to facilitate inclusion of refugees into existing programmes/services.” Thirdly, as a last choice, UNHCR operations should implement interventions to fill a gap in service only when there is limited or no presence of expert entities who can include refugees or the engagement of other stakeholders is not possible or is still insufficient to meet the needs of refugees.

In line with the [“Guiding principles on internal displacement”](#) and the [African Union Convention for the Protection and Assistance of Internally Displaced](#)

45 “The Refugee Convention, 1951: The travaux préparatoires analysed with a commentary by Paul Weis” (UNHCR, no date). Available from [www.unhcr.org/uk/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html](http://www.unhcr.org/uk/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html).

46 Available from [www.unhcr.org/5c658aed4](http://www.unhcr.org/5c658aed4).

47 Available from [www.unhcr.org/5cf907854](http://www.unhcr.org/5cf907854).

48 Ibid.



© UNHCR/Dominic Nahr. Iraq. Internal Displaced Persons leaving in unfinished buildings.

[Persons in Africa \(Kampala Convention\)](#) and human rights instruments that are also applicable to IDPs, it is essential that IDPs are able to access livelihood and employment opportunities on an equal basis with the rest of the population. In line with a rapid and steady urbanization of the global population, it is estimated that the majority of IDPs now reside in urban and peri-urban areas, where one of their main concerns is to have a livelihood and a regular income. While jobs are more readily available in urban areas than in rural areas or camps, urban IDPs' economic conditions tend to be similar to, if not worse than, those of the urban poor.

In this context, it is important to highlight that UNHCR has been striving to take a more integrated approach at the policy and operational levels where refugees, asylum-seekers, IDPs and returnees coexist. This means that UNHCR country operations are called to pursue an integrated approach to programme design, including through a more consistent application of area-based approaches. To do so, operations are called to pay particular attention to:

- actively participating in, or conducting when appropriate, joint assessments that look inclusively at protection risks and persons with specific needs, with the aim of providing access to locally available services and avoiding, in principle, an individual case management approach

- jointly analysing assessment findings with partners to develop a comprehensive overview of risks and needs that are prioritized by severity and that consider age, gender, disability and other diversity elements as well as socioeconomic indicators
- applying area-based approaches for programme design so that needs are assessed equitably and opportunities are created for affected populations to access local and national services and structures.

In such contexts, important opportunities exist to develop ILO-UNHCR collaborations that address the needs of different population groups. For example, under the framework of the regional joint ILO-UNHCR project [“Promoting Employment and Social Protection under the Comprehensive Refugee Response Framework in Central America and Mexico” \(2020-2022\)](#), while for Costa Rica and Mexico the project has chosen refugees and asylum-seekers as target groups (rights-holders), target groups for Honduras include returnees with protection needs and IDPs or persons at risk of displacement due to violence – giving priority to women, youth aged 18–24 years, and informal traders (in particular, market and street vendors) because of their vulnerability to violence, poverty, and social and labour exclusion.

UNHCR and the ILO collaborate on several key issues, including improved access to the labour market and decent work for the forcibly displaced and stateless persons. The [UNHCR guidelines on international legal standards relating to decent work for refugees](#) strengthened the ILO fundamental principles on rights to work and increased opportunities for jobs, skills, income and livelihoods for the forcibly displaced and stateless persons. Further, improving livelihoods through economic inclusion is a key component of achieving protection and solutions for refugees as it entails access to labour markets, finance, entrepreneurship and economic opportunities for all.

Important collaborations related to livelihoods and economic inclusion include:

- Policy and advocacy: UNHCR, especially its Livelihoods and Economic Inclusion Unit in the Division of Resilience and Solutions, has been working with the ILO to develop advocacy tools to aid efforts to ease right-to-work restrictions, with a key policy document in this area being [the ILO guiding principles on the access of refugee and other forcibly displaced persons to the labour market](#).
- Policy and law: UNHCR, especially the Protection Policy and Legal Advice Service in the Division of International Protection, collaborated with the ILO, particularly MIGRANT, in discussing and supporting the development of policy and law guidance.
- Inclusive national systems: To enhance labour market access to refugees, the ILO and UNHCR plan to work closely with the World Association

of Public Employment Services (WAPES) in extending employment services to refugees.

- Capacity-building: The ILO and UNHCR collaborate to improve understanding of international standards relating to access to employment and decent work and to ensure their translation into national policies.
- Strengthening the capacity of regional bodies: The ILO and UNHCR have supported the work of the Intergovernmental Authority on Development (IGAD), leading to the adoption of the Kampala Declaration on Jobs, Livelihoods and Self-reliance for Refugees, Returnees and Host Communities in the IGAD Region in 2019.
- Market-based livelihoods and financial inclusion: The ILO and UNHCR jointly developed the [Approach to Inclusive Market Systems \(AIMS\)](#) to equip refugees and host communities with the necessary skills to seize economic and employment opportunities, while working with private and public actors to strengthen local sectors and value chains with high potential to create sustainable and decent jobs for these groups. Since 2013, the ILO and UNHCR have jointly implemented the AIMS approach in more than 25 countries.
- Rapid response: To respond to large-scale displacements of people from Venezuela, UNHCR and IOM established an inclusive Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V). The ILO works to coordinate United Nations interventions under the R4V's socioeconomic and cultural integration pillar.

## For further details, see:

- [“Approach to Inclusive Market Systems \(AIMS\) for refugees and host communities”](#)
- [“Refugee livelihoods and economic inclusion: 2019–2023 global strategy concept note”](#)
- [“Evaluation of UNHCR’s livelihoods strategies and approaches: Global report, December 2018”](#)
- [“UNHCR guidelines on international legal standards relating to decent work for refugees”](#)

## j) EDUCATION

According to the [data](#) gathered by UNHCR in 40 countries for the year 2019/2020, the average gross enrolment rate of refugees stood at 68 per cent for primary-level education and 34 per cent for secondary-level education, illustrating that significant structural barriers remain for refugee learners to access education, in particular post-primary education.<sup>49</sup> In 2021, only 5 per cent of refugees were enrolled in tertiary education globally, compared to an average of 39 per cent among non-refugee students.<sup>50</sup>

Education is both a right and an indispensable means of realizing other human rights. As a tool for empowerment, it can be a primary vehicle for refugees, whether adults or children, to escape from poverty and have the means to participate fully in the community of the country of asylum.<sup>51</sup> Indeed, UNHCR's ExCom "[Conclusion on local integration](#)" notes the role of education and skills development in facilitating refugee participation in the economic life of the receiving country. It also recognizes the link between education and durable solutions in the context of calling for access to educational opportunities for refugee children. UNHCR's [Refugee Education Strategy](#) stresses the role of access to inclusive and equitable quality education in national systems by creating "conditions in which children and youth can learn, thrive and develop their potential, build individual and collective resilience, experience and negotiate peaceful coexistence, and contribute to their societies".

Article 22 of the 1951 Convention stipulates different levels of obligations on States parties to ensure refugees' access to education. The importance attached to ensuring a basic elementary education for all children is demonstrated in the first paragraph



© UNHCR/Andrew McConnell. South Sudan. Teachers insist on education.

of this article, which grants refugees the right to the same treatment as nationals of the contracting States. This right is reaffirmed in UNHCR's ExCom [Conclusion No. 47](#), which calls upon States to "ensure that all refugee children benefit from primary education of a satisfactory quality, that respects their cultural identity and is oriented towards an understanding of the country of asylum."

The need for refugees to have access to education at all levels, from primary to higher education, to ensure their self-reliance and sustainable futures is further emphasized by the New York Declaration and the GCR. The [GCR](#) reinforces the importance of expanding and enhancing the quality and inclusiveness of national education systems to facilitate access by refugees and the host community. As per article 22(2) of the 1951 Convention, States parties are required to accord to refugees treatment as

49 "Staying the course: The challenges facing refugee education" (UNHCR, 2021). Available from [www.unhcr.org/612f85d64/unhcr-education-report-2021-staying-course-challenges-facing-refugee-education](http://www.unhcr.org/612f85d64/unhcr-education-report-2021-staying-course-challenges-facing-refugee-education).

50 "Refugee education 2030: A strategy for refugee inclusion" (UNHCR, 2019). Available from [www.unhcr.org/5d651da88d7.pdf](http://www.unhcr.org/5d651da88d7.pdf).

51 "CESCR general comment no.13: the right to education (art. 13)" (Twenty-first session of the UN Committee on Economic, Social and Cultural Rights, 1999). Available from [www.refworld.org/docid/4538838c22.html](http://www.refworld.org/docid/4538838c22.html).

favourable as possible, and not less favourable than that accorded to foreigners generally in the same circumstances with respect to post-primary-level education, access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships. The right to education is also contained in article 22 of the 1954 Convention relating to the Status of Stateless Persons.

As nationality can be considered a gateway right to access to other rights, stateless children are often denied access to education. In contexts where they are able to access education, they may be barred from sitting national exams if they lack the required documentation. Poverty and a lack of education reinforce the cycle of limited access to opportunities and rights, which may in turn prevent individuals from contributing to a country's economic growth and development.

One of the areas of collaboration under the ILO-UNHCR [partnership](#) is **promoting skills and lifelong learning for refugees and host communities**. The ILO and UNHCR work together to promote pathways of learning, from primary education to secondary and technical and vocational education and training (TVET) and through to tertiary levels. The ILO contributes through its expertise in work-based learning and the recognition of prior learning.

TVET constitutes a key area of collaboration between the ILO and UNHCR. The UNHCR [“Education brief: Key considerations on technical and vocation education training”](#) provides key elements to take into account in TVET programming for forcibly displaced persons, covering aspects from inclusion in national TVET systems to market orientation, provision of support services, accreditation, teacher training, technology, life skills and bridging to the labour market.

In Indonesia, the ILO and UNHCR have joined forces in a pilot project to contribute to reducing youth unemployment and improving self-reliance opportunities among refugees and local youth. This pilot project offers learning opportunities on entrepreneurship, business management and soft skills through the Ready for Business entrepreneurship programme, developed in partnership with the International Training Centre of the ILO and the William Davidson Institute at the University of Michigan.

In Jordan, the ILO leads the livelihood cluster for the refugee response and has partnered closely with UNHCR on expanding access to labour-market-aligned TVET for refugees, an approach we are jointly exploring for the countries neighbouring Ukraine. In Mauritania, the ILO constructed TVET facilities in two refugee camps. Most recently, the strong cooperation between UNHCR and the ILO has culminated in a joint study on TVET in four refugee-hosting contexts. The study report is an important resource for articulating models and good practices for TVET programmes that are inclusive of refugee populations and, therefore, contribute to the long-term development and inclusion outcomes embodied in the GCR.

### For further details, see:

- [“Education brief: Key considerations on technical and vocational education and training \(TVET\)”](#)
- [“Staying the course: The challenges facing refugee education”](#)
- [“Refugee education 2030: A strategy for refugee inclusion”](#)
- [“Skills and labour market transitions for refugees and host communities”](#)

## k) SOCIAL PROTECTION

Refugees' and IDPs' right to social protection is covered under international and regional human rights instruments<sup>52</sup> which establish this as a universal human right. The 1951 Convention relating to the Status of Refugees has specific provisions relating to social security (article 24) and public relief (article 23), while the New York Declaration (2016) and the GCR (2018) both called for greater inclusion of refugees into social protection systems.

The majority of refugees and IDPs are in protracted situations, with displacement lasting five years or longer. Considering that finding durable solutions is a multi-year process for refugees, UNHCR seeks to improve inclusion in government social protection systems in the country of displacement, where possible and appropriate.<sup>53</sup>

To this end, [UNHCR conducted a series of studies on inclusion into social protection systems](#), including regional studies in Europe and Africa, analysis of COVID-19 measures, as well as a stocktake of World Bank-funded projects. These studies show how inclusion in government social protection systems can serve UNHCR's overall protection and solutions mandate, particularly for refugees in the context of protracted displacement.

UNHCR recognizes that government social protection systems are at different stages of development, with varying types and levels of benefits and services potentially available for refugees, IDPs and other displaced persons. Although many forcibly displaced and stateless persons live in countries with nascent or developing social protection systems, there are increasing opportunities for inclusion thanks to additional direct international resources provided to governments, often combined with capacity-

strengthening efforts which make investments more sustainable.

UNHCR works in partnership with other operational agencies across the humanitarian-development-peace nexus to support governments in extending effective social protection to all. For example, [UNHCR worked with the World Bank](#) to support governments in the design and implementation of International Development Association (IDA) Window for Host Communities and Refugees (WHR) social protection projects in Burundi, Cameroon, Chad, the Democratic Republic of the Congo, Djibouti, Ethiopia, Mauritania and the Republic of the Congo. For example, [UNHCR in Mauritania](#) worked with the Ministry of Social Affairs, Children and the Family (MASEF) and the World Bank to register all refugees in the national social registry (14,000 households) while enrolling 6,000 households for cash transfers.

UNHCR favours and promotes inclusion in national systems rather than developing parallel systems that, in the long run, prove not to be sustainable and tend to create double standards which lead to social tensions between refugees, IDPs and host communities. In places where national systems do not exist, typically in camps, they have to be established from scratch and with the financial support of UNHCR and its partners. However, in the pursuit of inclusion, UNHCR works to ensure that the authorities over time absorb the services created in the camps into the national structures through transitional solutions of financial support.

Support needs to be contextualized according to where an operation falls along a progressive pathway of transitioning from UNHCR assistance to government systems:

<sup>52</sup> The 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1989 Convention on the Rights of the Child and the 1981 African Charter on Human and Peoples' Rights.

<sup>53</sup> "Inclusion in social protection systems roadmap for stepping up UNHCR's engagement, 2022–2025" (UNHCR internal document).



- **Parallel humanitarian operations** are implemented where there are no prospects for transitioning. They are supported by international humanitarian funding (e.g. traditional UNHCR care and maintenance operations).
- **Aligned humanitarian operations** are implemented outside national systems and are usually supported by humanitarian funding, but one or more design features align or mirror those of the government (e.g. transfer modality, transfer value, eligibility criteria).
- **Harmonized operations** use one or more implementation features of the national systems (e.g. recipient lists, payment modalities) in the same location. They serve both refugee and host communities, often working closely with government and development actors.
- **Inclusion in national systems** sees refugees enrolled in national social registries and treated under the same conditions and receiving the same benefits and services as citizens. Refugees may be included in regular State programmes or in government programmes specifically designed or implemented for the displaced populations. UNHCR may continue to provide complementary assistance where needs are not covered by the government. In these situations, UNHCR often pays the contributions of the forcibly displaced and stateless persons, either for all of them, for those in certain locations (urban refugees) or for vulnerable ones.

In 2020, UNHCR and the ILO jointly published a [“Handbook on social health protection for refugees”](#) to guide UNHCR public health and programme staff and ILO staff working on social protection at the country level on the considerations and practical steps required to assess options for the inclusion of refugees in national social health protection schemes.

The handbook highlights pathways for inclusion of refugees. It particularly highlights the assessment steps needed to evaluate if a SHP scheme is available, functioning well and adequate for POC inclusion. The inclusion of POCs in national SHP schemes can provide durable and cost-effective solutions in protracted crises situations and reduce tensions with host community members. It can further strengthen the national SHP system which benefits both POCs and Host Community members.

ILO and UNHCR have been working on SHP since 2014. The agencies can collaborate on evidence-based feasibility studies, country specific costings, strengthening of SHP schemes and identifying long-term exit strategies from UNHCR support.

Moreover, ILO and UNHCR can work together on creating livelihood opportunities to enable refugees to contribute to SHP schemes.

## For further details, see:

- [“Emerging lessons from World Bank Group social protection investments in refugee-hosting areas”](#)
- [“Social protection responses to COVID-19 for forcibly displaced persons”](#)
- [“Inclusion of refugees in government social protection systems in Africa”](#)
- [“Social protection”](#)
- [“Leave no one behind: Promoting effective access of refugees in social protection systems in post-pandemic Europe”](#)
- [“UNHCR mapping of social safety nets for refugees: Opportunities and challenges”](#)

## I) HEALTHY LIVES

Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity.<sup>54</sup> The 1951 Convention does not have a separate provision devoted to refugees' access to health. However, UNHCR has policies on access to health care that address different aspects of refugees' health care. As refugees often have added physical and mental health issues compared to individuals in the general population due to their past experiences of persecution, trauma and flight, health-care interventions for refugees need to be aware of their specific situation. They should take into consideration, for instance, refugees' language skills, including whether they need to access interpreting and translation services to enable refugees to communicate with health professionals.

UNHCR's core programming in public health includes interventions in six principal areas: access to health care; mental health and psychosocial support (MHPSS); sexual and reproductive health and HIV; nutrition and food security; WASH; and strategic health information. The UNHCR Global Strategy for Public Health, underpinned by the GCR, sets five objectives: i) to support, monitor and advocate for access of the forcibly displaced and stateless persons to essential health services of sufficient quality to be effective, throughout the displacement cycle; ii) to support national health systems to meet the health needs of refugees, asylum-seekers and host communities; iii) to promote and support equitable provision of health-care services; iv) to strengthen cross-sectoral collaboration within UNHCR and with partners to create synergies and

maximize positive impact on health status, welfare and dignity of the forcibly displaced and stateless persons; and v) to actively engage communities in activities to promote and sustain their health.

Ensuring adequate nutrition and protecting food security are essential parts of the basic assistance provided to the forcibly displaced and stateless persons, especially since there is a clear link between nutrition and public health. Communicable diseases brought on in part by malnutrition are responsible for millions of preventable deaths each year. Mass population movements can result in high rates of malnutrition, sickness and death. Food shortages also make people more vulnerable to sexual abuse and exploitation. Poor-quality diets and vitamin and mineral deficiencies contribute to delayed childhood development, causing irreparable damage. UNHCR therefore works to improve nutrition through strategic funding, as well as partnerships with the World Food Programme (WFP) and others. The organization has also identified essential aid packages to boost services for populations in need, as well as training, standard guidelines, strategic plans and staffing practices.

UNHCR and the ILO have been working together on seeking to integrate refugees into national social health protection schemes as part of universal health coverage (UHC), with success to date in some countries and prospects being explored in others. Lessons learned from the ILO-UNHCR partnership on how to extend social health protection to refugees are compiled in the [joint handbook](#).

### For further details, see:

- [“Handbook on social health protection for refugees: Approaches, lessons learned and practical tools to assess coverage options”](#)
- [“Public health and nutrition in operationalizing the Global Compact on Refugees and comprehensive responses”](#)
- [“UNHCR global strategy for public health, 2021–2025”](#)
- [UNHCR, “What we do: Public health”](#)
- [UNHCR, “What we do: Nutrition and food security”](#)

<sup>54</sup> “CESCR general comment no. 14: The right to the highest attainable standard of health (Art. 12)” (UNHCR, 2000). Available from [www.refworld.org/pdfid/4538838d0.pdf](http://www.refworld.org/pdfid/4538838d0.pdf).

## m) WELL-BEING AND BASIC NEEDS

UNHCR works closely with WFP during emergencies and longer-term crises to provide food to forcibly displaced persons around the world, especially vulnerable groups such as women and children. Through the timely provision of the right quantity and the right kinds of foodstuffs, UNHCR and WFP seek to restore or maintain a sound diet through a balanced and culturally acceptable food basket. While UNHCR has the primary responsibility for determining the nutritional standards and for implementing special feeding programmes, the two organizations conduct joint food assessment missions and cooperate to distribute food rations and establish planning figures concerning numbers of programme participants. In addition to food, certain non-food items (NFIs) are distributed among refugees, including items for shelter (such as plastic tent sheeting, blankets and sleeping mats), cooking (stoves, pots and fuel) and health and sanitation (buckets, soap, jerry cans, sanitary cloths and mosquito nets).

In 2014, the High Commissioner announced the expanded and systematic use of cash-based interventions as a corporate priority, resulting in UNHCR consolidating and scaling up the delivery of cash-based interventions in its operations across all regions and sectors, in line with its [“Policy on cash-based interventions”](#). “Cash-based interventions” refers to all interventions in which cash or vouchers for goods or services are provided to the forcibly

displaced and stateless persons on an individual or community basis. The concept does not include cash or vouchers provided to governments or other State actors or payments to humanitarian workers or service providers.

Cash-based interventions are intended to provide refugees, asylum-seekers, returnees, IDPs and stateless persons with greater dignity of choice in meeting their needs. Experience and evidence highlight that such interventions increase protection outcomes, facilitate inclusion and solutions and improve efficiency and effectiveness in programme delivery. They also contribute to the local economy and foster positive relations with host communities.

UNHCR is also placing greater emphasis on the additional value of cash in terms of promoting financial inclusion, social protection and socioeconomic development. Implemented as part of the basic needs approach, multipurpose cash grants – which represent 60 per cent of UNHCR’s cash assistance and link multisectoral cash-based interventions with the provision of essential services and protection – present important opportunities for leveraging national social safety nets to include forcibly displaced persons. Increasingly, UNHCR will work to extend shock-responsive social safety nets to include forcibly displaced persons while helping to protect national social safety nets from the impact of mass displacement.<sup>55</sup>

### For further details, see:

- [“Emergency food assistance standard”](#)
- [“Policy on cash-based interventions 2022-2026”](#)
- [“Policy on cash-based interventions”](#)
- [“UNHCR strategy for the institutionalization of cash-based interventions 2016-2020”](#)
- [UNHCR, “What we do: Nutrition and food security”](#)

<sup>55</sup> “UNHCR mapping of social safety nets for refugees: Opportunities and challenges” (UNHCR, 2019). Available from [www.unhcr.org/5ad5b4084](http://www.unhcr.org/5ad5b4084).



© UNHCR/Ibrahim Al-Ja'adi. Yemen. Internally displaced families at a hosting site in Abs with minimal facilities.

## n) CLEAN WATER, SANITATION AND HYGIENE

The WASH sector aims to ensure that all forcibly displaced persons have access to safe and sufficient water and safely managed sanitation and live in hygienic conditions. As part of its commitment to promoting the progressive realization of the human rights to water and sanitation for the forcibly

displaced and stateless persons, UNHCR works with partners to provide WASH services to around 8 million refugees. Given the protracted nature of much displacement, UNHCR aims to integrate long-term planning for sustainable development as early as possible into the emergency response.

For further details, see:

- [UNHCR, “What we do: WASH in refugee settings”](#)

## o) SUSTAINABLE HOUSING AND SETTLEMENT

Housing, land and property (HLP) rights speak broadly to the right of individuals or groups to adequate housing, protection of property, peaceful enjoyment of possessions, and non-interference with one's dwelling. However, the extent to which one enjoys such rights hinges squarely on the security of tenure offered via de jure or de facto land governance arrangements.

In the context of humanitarian, development and peacebuilding work, HLP is therefore best viewed through a land tenure lens – defined as the social relations between individuals or groups with respect to land, housing and other real property assets.

Unfortunately, as the drivers of displacement persist, so do the myriad HLP challenges facing displaced and stateless persons. Consequently, such individuals are among the most tenure-insecure of all vulnerable people, and the least likely to find timely HLP redress via statutory, customary or communal means.

A core part of UNHCR's protection mission is to guarantee access to adequate shelter in humanitarian emergencies. In urban areas, many refugees share accommodation or live in non-functional public buildings, collective centres and informal types of settlements. In rural settings, it is common to deliver protection and humanitarian assistance through refugee camps. While camps can be practical, particularly during emergencies, encampment results in a range of problems, including aid dependency and isolation.

UNHCR is not in favour of creating camps if alternative arrangements can offer, in the medium and long term, conditions that are more suited to people forced to flee and which can help them live a normal life and reduce their dependency to hand-outs. When there is no alternative, camps, sites or settlements are designed carefully to keep people safe and give them shelter. As well as distributing tents, UNHCR also provides materials that can be used to make a simple shelter. Additionally, in more protracted situations, longer-term strategies are implemented, including rehabilitating communal shelters, constructing new homes and providing displaced persons with materials to build a home themselves.<sup>56</sup>

UNHCR emphasizes that the barriers to improving tenure security must be addressed, in line with the objectives and recommendations of the GCR, [UN Guiding Principles on Internal Displacement](#), [UN Guidance Note on Land and Conflict](#) and guidance emerging from the "[UN Secretary-General's Action Agenda on Internal Displacement](#)". UNHCR is committed to:

1. Prioritizing housing and land in support of eventual solutions
2. Promoting high-level leadership, a whole-of-government approach and greater action from, and support to, local and city authorities to secure HLP rights
3. Addressing the root causes of insecure tenure as a driver of violent conflict.

For further details, see:

- [UNHCR, "What we do: Shelter"](#)

<sup>56</sup> UNHCR, "What we do: Shelter", no date. Available from [www.unhcr.org/shelter.html](http://www.unhcr.org/shelter.html) (accessed 29 June 2022).



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