

SESSIONS 6.1. and 6.2.

Protection in Practice, Parts I and II

Session at a glance (2 Sessions)

Content	Approx. Time	Instructional Activity
Review of International Protection	50 minutes	Plenary Presentation & Q&A
Exercises - Case Studies	120 minutes	Plenary Discussion & Q&A
Conclusion	10 minutes	Plenary Presentation
Total Time	180 minutes	

Main objectives

After completing these sessions, participants will be able to:

- Discuss practical aspects of applying the principles of protection
- Understand how the laws work under different circumstances based on problems facing the refugees
- Discuss the need for all staff to be able to identify protection issues and be aware of when to notify a protection officer
- Be able to refer to appropriate guidelines and information sources for protection

Special supplies

- Flip chart and markers
- Data or Overhead projector
- Applicable overheads
- Case Studies

General guidance

These sessions may be handled in several ways. Importantly, all questions that the participants have should be answered. This may require a protection officer to be present during the sessions. The exercises can be interchanged. For example, if there was not time to conduct the exercise from the first session, it may be held now. Case Studies relevant to the situation faced by the participants are the most appropriate and may be obtained from a local protection officer, being sure that no sensitive information is used. Videos may also be shown.

Key Points

Main points and themes in this session include:

1. There are many protection problems that are of a psychosocial or political nature. Emergency managers need to be able to discern whether a problem is or is not a protection problem
2. The issues you select should demonstrate the various sources that may cause protection problems and the threats to which some groups of refugees are more exposed than others (i.e. refugee women and refugee children).
3. There is a need in emergencies for quickly assessing who among the refugee population is particularly at risk and therefore requires special attention.
4. Information is a basis for decision-making and of understanding the traditional protection mechanisms used by the refugees to protect themselves from attacks by other tribes/villages and to protect vulnerable groups within their community.
5. It is difficult to anticipate what kind of protection problems are most likely to occur. Therefore, it is important to properly analyze and investigate all protection incidents, and draw on available resources
6. The Guidelines on Refugee Women and Refugee Children are important references because these two groups constitute the overwhelming majority of today's refugee population.
7. The best protection response is one that builds on the capacity of the refugees themselves.
8. Refugees and their communities are the principal actors in any protection response in close cooperation with authorities of country of asylum and UNHCR.
9. Some of the protection problems affecting refugee women are not easily exposed. International and local camp organizations should include female staff who can more easily gain access to the female population

Session Activities

Practical protection problems

50 minutes

1. The session should begin with a recap of the first session's main points. Any questions that were left over should be answered now.
2. Begin in plenary by asking participants the following question and record their contributions on a flipchart:
3. What are some of the practical protection problems which refugees frequently confront in large-scale emergencies?
4. Answers might include:
 - physical violence
 - sexual violence and abuse
 - detention
 - refoulement
 - separation from family members
 - unequal distribution of assistance
 - presence of armed elements among refugees
 - discrimination between groups of refugees
 - forced recruitment/enrollment in armed forces
5. Try to obtain suggestions from participants touching on protection problems other than those directly affecting physical safety. If necessary, ask participants to elaborate on why they think a given problem is or is not a protection problem

6. Select a few of the protection problems identified by the group. Ask the participants the following questions and record their contributions on a flipchart.
7. **Who are or could be behind this protection problem?**
 - authorities of country of origin
 - bandits
 - authorities of country of asylum
 - local communities
 - other refugees
8. **Does this problem affect all refugees equally or are some of the refugees more at risk than others?**
 - refugee minorities
 - refugee leaders
 - high-profile refugees (former political leaders, etc.)
 - single women or FHH
 - unaccompanied children
9. **Why does this problem occur?**
 - lack of discipline and control
 - lack of effective law enforcement
 - refugee settlements situated in remote areas
 - lack of community organization
 - ethnic or religious differences
 - communication problems
 - criminal behavior/extortion
 - mistrust
 - exploiting vulnerability
 - delegation of power without monitoring/control
10. The issues you select should demonstrate the various sources that may cause protection problems and the threats to which some groups of refugees are more exposed than others (i.e. refugee women and refugee children).
11. **Quick assessment of risks** - Underline the need in emergencies for quickly assessing. Ask the participants: Who among the refugee population is particularly at risk and therefore requires special attention?
12. Get responses, then show Overhead to add to examples given. Make clear that in some situations other groups may be at risk (young men forced to join military movement, etc.) Then ask: What situations or activities may expose refugees to protection risks? Get responses. Show Overhead to add to responses.
13. Then ask: Who could be at the source of threats or danger to the safety and well-being of refugees? Get responses, then show Overhead to add to responses.

Group Exercises

Duration - 120 minutes

Exercise Possibility - #1 - Case Studies: Individually designed case studies may be used as a basis for discussion. They should have questions included that are designed for group work, either corresponding to the number of groups or complex enough to allow an in-depth group discussion.

Exercise Possibility #2 - Protection problems (40 minutes)

Tell the participants they will now examine several protection problems originating from different sources recommend measures an emergency manager should take. (Depending on the response from the group and time available, you may wish to leave out 4 & 5.)

1. *The risk of attacks on the refugee settlements from the country of origin.*

Ask participants (and record responses on a flipchart):

What actions/measures could be taken to prevent such attacks? Ask participants for concrete examples/experiences, if any. Then take their responses which might include:

- identify the underlying reasons for such attacks
- move refugee settlement further inland away from border area
- relocate high-profile refugees out of settlement
- ensure civilian and humanitarian nature of camp by separating combatants and armed elements from civilians
- reinforce military presence in border area to prevent incursions
- diplomatic demarches from country of asylum and other states warning country of origin
- preventing refugee settlements from being used as bases for subversive activities against country of origin

2. *The risk of harsh treatment and violence at the hands of the security forces or police of the country of asylum.* (Ask participants for concrete examples/experiences, if any)

Ask the participants the following question. Record answers on a flipchart.

What actions/measures could be taken to prevent such threats?

Responses might include:

- identify groups at risk of such attacks (refugee leaders, single women, etc.)
- find out causes for attacks (lack of discipline, lack of training, government policy, refugee provocation)
- ensure disciplinary action is taken against any official abusing refugees
- establish coordination between refugee leaders, camp officials and relief workers to discuss problems
- involve refugees (including refugee women) in maintaining law and order in refugee settlement
- ensure officials receive appropriate training and instructions about their responsibilities to refugees
- sensitize officials to plight of refugees
- mobilize refugees to provide protection to vulnerable groups (arranging shelter of FHH and single women among refugee families, foster care arrangements for UNAMs)
- on-going international presence (staff of UNHCR, NGOs or media)
- inform refugees of their obligations to respect laws and regulations of country of asylum

3. *Risk of violence emanating from within the refugee community.* (Ask participants for concrete examples/experiences, if any)

Ask participants (record contributions on flipchart):

What actions/measures could be taken to prevent such threats?

Responses might include:

- Obtain overview of composition of refugee population and information on potential conflicts between them
- assist refugees to develop conflict resolution mechanisms
- arrange for relocation of groups of refugees whose protection cannot otherwise be ensured
- ensure refugee leadership includes representatives from all sectors of the refugee population
- stress importance of maintaining the exclusively civilian and humanitarian character of the refugee settlement

4. *The risk of violence and attacks on refugees emanating from the local community.* (Ask participants for concrete examples/experiences, if any)

Ask participants (and record answers on flipchart):

What actions/measures could be taken to prevent such threats?

Responses might include:

- identify causes/circumstances giving rise to the attacks
- ensure refugee leaders and representatives of local communities meet to discuss situation
- ensure refugees and local communities are familiar with respective traditions, practices and customs
- compensate local community for impact of refugee influx (limited assistance to avoid jealousy, extending services provided in refugee settlement to local community, reforestation projects)

5. *The risk of attack on refugees by bandits.* (Ask participants for concrete examples/experiences, if any)

Ask participants and record answers on flipchart:

What actions/measures could be taken to prevent such attacks?

Responses might include:

- identify groups vulnerable to attacks by bandits and in what circumstances (women/children during firewood and water collection, refugees in small groups arriving in isolated areas, etc.)
- more effective law enforcement in areas where refugees are staying
- increased patrolling in remote areas where refugees are likely to cross
- mobilize refugee community to protect the vulnerable among them (i.e. escorting women/children during water collection)

(Prepare flip charts in advance with each problem at the top. Write the responses below each problem. Afterwards, tape the pages with the responses around the room.)

Use this part of the session to highlight the particular protection problems facing refugee women and children and the need for a comprehensive response building on the “protection capacity” of all the various actors.

Exercise Possibility #3 - Emergency Protection Problem

Divide the participants into five groups. Hand out the "Emergency Protection Problem" (problem and answer sheets are annexed to these notes.) Assign one example to each group and give them 20 minutes to prepare their response. Take their answers verbally noting appropriate or inappropriate reasons for their response.

Conclusion

10 minutes

1. Use the last 10 minutes to sum up some of the practical tips for the emergency manager.
2. Using Overhead, stress the importance of information as a basis for decision-making and of understanding the traditional protection mechanisms used by the refugees to protect themselves from attacks by other tribes/villages and to protect vulnerable groups within their community.
3. Acknowledge the difficulty in anticipating what kind of protection problems are most likely to occur. Stress therefore the importance of properly analyzing and investigating all protection incidents, and drawing on available resources
4. Show the participants the Guidelines on Refugee Women and Refugee Children and urge participants to become familiar with them, noting that these two groups constitute the overwhelming majority of today's refugee population.
5. Using Overhead remind participants that the best protection response is one that builds on the capacity of the refugees themselves.
6. Make clear that refugees and their communities are one of the principal actors in any protection response in close cooperation with authorities of country of asylum and UNHCR.
7. Note that some of the protection problems affecting refugee women are not easily exposed. International and local camp organizations should include female staff who can more easily gain access to the female population
8. Note that both Guidelines contain very useful checklists.
9. Conclude the session by summarizing and thanking the participants for their inputs.

Emergency Protection Problem (basics, definition, etc.)

Read each description below. Analyse whether or not you think the person described is a refugee or not. Prepare to defend your answer with the applicable legal standard, instrument, or convention that applies. If you must make some assumptions in order to make the determination, describe these as well.

1. A family of five flees to a neighboring country with only the possessions they were able to carry before opposition rebel forces capture the area in which they were living.

2. While on lecture tour of prominent universities, a prominent political opposition leader asks for asylum in a foreign country after learning his name has been included in a government-supported death squad hit list.

3. 600 passengers arrive by sea on the coast with many in critical condition after a 3 week journey from their war ravaged, impoverished, and land-locked country in another continent.

4. An escaped prisoner from a military prison in the neighboring country applies for asylum at your border. He shows the border guards multiple wounds and scars of physical torture on his body.

5. The member of an ethnic minority (in his own country) overstays his tourist visa in your country, when he learns of widespread rioting, looting, and reported lynchings of people of his ethnicity in his home country.

Emergency Protection Answer Sheet (basics, definition, etc.)

1. A family of five flees to a neighboring country with only the possessions they were able to carry before opposition rebel forces capture the area in which they were living.

DISCUSSION – More must be known about the background of the family. What relation do they have to the rebel forces? Where are they, does the OAU Convention apply? In most countries this family of five could at least benefit from temporary protection status. If they have a well-founded fear of being persecuted for race, religion, nationality, membership in a particular social group, or political opinion, they qualify for refugee status within the meaning of the 1951 Convention. While this may be the case in most situations where people flee conflict, it does not necessarily always apply.

2. While on lecture tour of prominent universities, a prominent political opposition leader asks for asylum in a foreign country after learning his name has been included in a government-supported death squad hit list.

DISCUSSION – The prominent political opposition leader has a well-founded fear of being persecuted for reasons of political opinion. As his fear emerged while being abroad he becomes a refugee *sur place*.

3. 600 passengers arrive by sea on the coast with many in critical condition after a 3 week journey from their war ravaged, impoverished, and land-locked country in another continent.

DISCUSSION – This sea passage from a land locked country implies passage through another country. It is necessary to verify if that third country could be considered a safe country of asylum. If so, they should have stayed there. As a matter of principle, the 600 people should be protected from *refoulement* to their country of origin as it is implied that the conditions there are not safe (thereby requiring the provision of at least temporary protection or refugee status).

4. An escaped prisoner from a military prison in the neighboring country applies for asylum at your border. He shows the border guards multiple wounds and scars of physical torture on his body.

DISCUSSION – Even if the prisoner described above is not able to claim protection under the 1951 Convention (not enough elements available to determine from the description), he would still be protected from *refoulement* by Article 3 of the Convention against torture and other cruel, inhuman or degrading treatment of punishment (1984).

5. The member of an ethnic minority (in his own country) overstays his tourist visa in your country, when he learns of widespread rioting, looting, and reported lynchings of people of his ethnicity in his home country.

DISCUSSION – Although the member of the ethnic minority may no longer be legally staying in the host country, he cannot be returned (Article 33 of the 1951 Convention) and should apply for refugee status as a refugee *sur place*.