

MODULE 1

WHAT IS REFUGEE PROTECTION?



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Summary

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

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

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

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

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

Learning Objectives

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

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

Key Messages

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

Preparation

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

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

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

Note to trainer

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

Ask: What does refugee protection mean to you?

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

Slide 1: What is refugee protection?

Slide 2: Objectives

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

Slide 3: Defining refugee protection

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

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

Slide 4: International legal instruments

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

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

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

Slide 5: International refugee law

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

Slide 6: International human rights law

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

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

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

Slide 7: Refugee rights

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

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

Slide 8: Additional refugee rights

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

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

Note to trainer

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

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

Note to trainer

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

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

Ask the participants:

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

Group work with protection boxes (20 minutes)

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

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

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

Slide 9: Group questions

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

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

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

Feedback (20 minutes)

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

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

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

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

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

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

Alternative (40 minutes)

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

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

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

Brainstorming on refugee protection activities (20 minutes)

Distribute post-its or cards to participants.

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

Allow five minutes for individual reflection.

Note to trainer

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

Slide 10: Five main modes of action

Describe the modes of action.

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

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

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

Wrap-up (5 minutes)

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

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

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

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

Trainer Guidance 1 - Exercise Responses

Object	Family photo with children, or photo of a child
Threat	For example, child labour, sexual abuse
Protector	Child protected by the family (and the Convention on the Rights of the Child (CRC)), family unity protected by various conventions, including the CRC and Refugee Convention.
Key messages	<ul style="list-style-type: none"> • Children and other groups have special protection needs; • The family is usually the best source of protection for children; • The state is responsible for upholding family unity; • In a refugee context, these sources of protection may break down or be seriously challenged, and other actors, including humanitarian workers, will then need to take up the role of ensuring protection of children and family unity.
Object	Earplugs, umbrella, or raincoat or a small piece of plastic sheeting
Threat	Physical pain, dampness, discomfort, etc.
Protector	The object, the supplier that provides the object
Key messages	<ul style="list-style-type: none"> • Protection is an everyday occurrence; • Physical protection is one key component of protection. It is related to physical harm; • In an operational sense, however, we normally consider protection to be linked to human action rather than environmental conditions.
Object	Condom
Threat	Sexually transmitted disease (STD)
Protector	The object, if used correctly; the source, if condoms supplied by others
Key message	Protect yourself, responsibility towards others, do no harm.
Object	Syringe
Threat	Disease
Protector	The vaccine in the syringe, the nurse giving the injection, the state or NGO that organised and funded the vaccination
Key message	<ul style="list-style-type: none"> • Everyone has a right to protection (vaccination campaigns should be non-discriminatory); • The issue of drug abuse and protection from misuse of syringes and other medicines designed to protect health can also come up.
Object	Passport
Threat	<i>Refoulement</i> of refugees, restriction of movement, restriction of access to basic services, etc.
Protector	The state (or representatives of the state)
Key messages	<ul style="list-style-type: none"> • Identification papers are important for refugees and asylum-seekers. Status, and the paperwork that is testimony to status, can be the key to either national or international protection; • As a passport may show one's nationality, it could lead to certain discriminatory actions on the part of some individuals or government bodies.

Object	Suncream
Threat	Skin cancer, burning, etc.
Protector	The product, or the manufacturer, or the wearer himself or herself
Key messages	<ul style="list-style-type: none"> • We can be proactive in managing our own protection; • Protectors can be misleading: some suncreams do not filter sunlight as much as they claim to; • Different people may require different levels of protection.
Object	Status letter from the UNHCR
Threat	<i>Refoulement</i> of refugees, restriction of movement, restriction of access to basic services
Protector	The host country, the UNHCR, the international community
Key messages	<ul style="list-style-type: none"> • The status recognised in this letter gives the bearer access to the international system for the protection of refugees; • Deterrent against harassment by local authorities.
Object	Icon (cross, statue)
Threat	Loss of hope, loss of faith, etc.
Protector	Not the object but a god, or our faith in a god
Key message	<ul style="list-style-type: none"> • It is not always the object that protects (as with the passport and UNHCR letter) but what it represents.
Object	Stone or leaf (with a label on it saying that it is from a nature reserve)
Threat	Destruction, extinction
Protector	The state, the community, the law
Key messages	<ul style="list-style-type: none"> • Protection extends beyond protection of humans – in fact, protection of the environment is inextricably linked with the protection of humans.
Object	List of emergency numbers for police, first aid, fire service
Threat	Emergency situations, such as fire, a severe medical problem, or other danger
Protector	Public services provided to help in emergency situations
Key messages:	<ul style="list-style-type: none"> • We can protect ourselves by being ready to respond in an emergency; • Protection includes us, and the community can also respond when we are in distress.
Object	Red Cross emblem
Threat	Military attack
Protector	Under international humanitarian law (the Geneva Conventions), the Red Cross emblem is protected and affords protection to those using it legitimately.
Key message	<ul style="list-style-type: none"> • The symbol's use as an instrument of protection depends on the consensus of the global community, which in turn depends on the Red Cross/Red Crescent movements' adherence to their key principles of neutrality and impartiality.