



## Protection Guidelines Relating to Refugee Security

Refugee protection encompasses measures to ensure their physical security (preserving the physical safety of refugees) and legal security (restoring and safeguarding legal rights).

All refugees, including those living in collective centres or with host families, are entitled to the protection of their physical and legal security.

### I. Physical Security: General Considerations

Protecting the physical security of refugees entails securing their areas of residence, or taking steps to prevent their safety from being jeopardized. It also requires that the living environment of refugees should be peaceful, humanitarian and civilian, free of violence and criminal activity, and conducive to the realization of human dignity. The following are examples of measures by which the physical security of refugees can be ensured.

- **The location of refugees whether in camps, collective centers or with host families must take into account the risk of armed military attack from outside the country of asylum.**
- **Protection standards must be kept firmly in view in all aspects of managing refugee collective centers and host family accommodations.**
- **The separation of military elements from amongst refugees is a prerequisite for ensuring the civilian nature of refugee locations.**
- **Refugee dwellings should be well spaced and adequately lit.**
- **Particular attention must be given to the protection needs of women, children, the elderly, and other vulnerable persons who are especially affected by any lack of security.**
- **Armed elements must be prohibited from residence in, transit through, or visits to refugee collective centers or settlements.**
- **Refugee collective centers must be kept free of arms or weapons of any kind.**
- **Recruitment from among refugees for participation in armed hostilities must be prohibited.**
- **Refugees must be prohibited from providing material aid, logistical support, the provision of rest and refreshment facilities or any other kind of assistance to combatants.**
- **Refugees must be prohibited from, and measures should be taken to prevent refugees from, engaging in illegal activities, particularly those involving violent or organised crime, sexual offences, and trafficking in narcotics and other prohibited materials.**

## **II. Physical Security: Recruitment of Refugees for Armed Activities**

The Kosovo situation poses particular problems relating to the recruitment of refugees for armed activities.

As asylum is a humanitarian institution, military activities of any kind are incompatible with refugee status. The recruitment of, or volunteering by refugees for participation in armed activities contradicts the humanitarian and peaceful nature of the institution of asylum. Preventing and halting such recruitment or voluntary participation is therefore an important protection activity.

The absolute prohibition against the recruitment of children for participation in hostilities needs to be stressed in the Kosovo context. According to the Convention on the Rights of the Child and international humanitarian law there are no circumstances under which a child under the age of 15 may take part in armed activities. States bear an affirmative responsibility to protect refugees from recruitment for military service.

The measures already identified under Section I above for protecting the physical security of refugees should help to prevent or halt the recruitment of refugees for armed activities. The following additional measures should also be taken.

- **Refugee collective centers and settlements should be situated at a safe distance from the border of the country of asylum.**
- **Assessments should be undertaken to facilitate the development of situation specific responses.**
- **Areas of refugee residence, affected or likely to be impacted by recruitment, should be identified (risk mapping) and closely monitored, and factors which influence recruitment activities should be determined.**
- **Productive and recreational activities should be provided for all sections of the refugee community. These and other preventive strategies should be an integral part of UNHCR's general programmes of protection and assistance.**
- **Refugees should be made aware of their obligation to refrain from involvement in recruitment or any form of armed activity, and should be informed that the recruitment of child soldiers is illegal under international law. Campaigns to promote awareness and advocate demobilization should target all refugees, but focus on community and opinion leaders.**
- **Asylum States should be reminded that the recruitment of refugees and particularly the enlistment of children for armed and military activities is unlawful, and that States have responsibility to take adequate measures which curb such activities. Where national authorities are unable or unwilling to intervene, the UNHCR mandate requires affirmative action by the agency. It may be necessary for UNHCR to undertake alternative measures to enhance refugee security, such as employment of private guards, shifting of population to more secure locations and appeal to the international community for assistance to protect refugees from involvement in armed and military conflict.**

The following measures apply specifically to recruitment of child soldiers:

- **Detailed and accurate age documentation of the refugee caseload should be maintained to facilitate the identification of children at particular risk of recruitment.**
- **Programmes for education, recreation and vocational training should be established for refugee children, as under-age recruitment is aggravated by lack of productive activities. Particular care should be taken to prevent places of education from becoming recruiting grounds. Also, easy access to adequate food, housing and security should be ensured for children and adolescents to prevent them seeking these resources from armed groups.**
- **Children and adolescents should be kept as close as possible to their families or other care givers, to minimize their exposure to recruitment for armed activities.**
- **It should be recognised that under-age recruitment affects girls as well as boys. Preventive strategies should be planned accordingly.**
- **Rehabilitation programmes for child soldiers should be undertaken in co-operation with UNICEF and other agencies with expertise in this field.**

### **III. Legal Security**

The following are basic rights contributing to the legal security of refugees.

- **Refugees must be provided with proper and adequate legal documentation, and recognized as having legal rights in their country of asylum. Refugees and host communities should be informed of refugee rights and duties.**
- **Refugees must not be discriminated against. They must not be subjected to adverse treatment in comparison to other groups. They must be given access to prompt and effective legal remedies if any of their legal rights are infringed.**
- **Refugees' lives and personal security must be protected, and they should be free from cruel, inhuman or degrading treatment. Their living environment should be safe and secure from attack or threats of attack, and they should always be treated in a way which fully respects their dignity and worth as human beings.**
- **Refugees must be protected from arbitrary arrest or detention. Their liberty may be interfered with only exceptionally, and, only in accordance with law.**
- **Refugees must be allowed freedom of movement. They must be given freedom of choice as to their movements, and their liberty to circulate within the asylum country should not be arbitrarily restricted.**
- **The integrity of refugee families must be protected. Everything should be done to preserve the unity of refugee families, and to restore this unity should it be broken.**

The legal security of refugees is best protected in an environment in which the rule of law is respected and justly enforced. Any interventions which create or maintain such an environment will therefore promote the legal security of refugees. For example, mid- to longer-term interventions which support law enforcement and judicial authorities may positively address the situation of lawlessness prevailing in portions of the region.

#### **IV. Longer-Term Activities for implementing Security Standards**

The following are some activities which would contribute to enhancing refugee security in the Kosovo operation when the emergency situation stabilizes.

- **Refugees should be informed of their rights and be made aware of their duties towards the country of origin and host communities. Their responsibility to help ensure the civilian and humanitarian character of refugee collective centers should be stressed.**
- **Refugee leaders and representatives should be elected or appointed through transparent and open processes which ensure full participation by all sections of the refugee community. UNHCR should take steps to ensure that refugee leaders are committed to maintaining international standards in all areas, and that women are adequately represented in the leadership.**
- **The distribution of relief items should be made by UNHCR or its implementing partners directly to the beneficiaries. Refugee leaders should never be the conduit for distribution.**
- **Dispute resolution strategies and mechanisms should be an integral part of the administration of refugee collective centers and settlements.**
- **UNHCR staff, in particular protection staff, should be located as close as possible to the residences of refugees. Refugees and UNHCR should have easy access to each other.**

#### **V. The Enforcement of Security Standards**

The country of asylum is responsible for implementing measures to ensure the physical and legal protection of refugees, with UNHCR providing roles of support, management and monitoring. Given the complex realities in the Kosovo operation, however, the countries of asylum may be unable or unwilling fully to assume their responsibilities for the physical protection of refugees to a standard acceptable to UNHCR.

The use of the military contingents to provide assistance and security to areas where refugees are accommodated is inherently incompatible with the humanitarian and civilian character of refugee protection. Given the particular circumstances of the Kosovo operation, a co-operative partnership between UNHCR and armed forces has become inevitable in order to save refugees' lives and in the support of the implementation of UNHCR's mandate. It is imperative, however, not to compromise the non-political and humanitarian nature of UNHCR's work, or affect the perceived impartiality and neutrality of the United Nations mission as a whole. These are base line measures which should be observed as soon as the situation realistically permits so as to ensure that operations are clearly humanitarian and distinct from military engagement.

The following points address this concern, with an emphasis on what should be, rather than what is, in the expectation that at some point it will be possible more clearly to demarcate than at present the military and humanitarian actors.

UNHCR staff and the sites where humanitarian assistance and protection work is being undertaken should be clearly identified through use of UNHCR high visibility markings.

Vehicles transporting staff or humanitarian assistance should be clearly identified through use of UNHCR high visibility markings.

Assistance activities should not be undertaken by military personnel, save in exceptional situations, in which case they should be supervised by civilian aid workers to ensure conformity with humanitarian objectives.

Military personnel seconded to humanitarian aid operations should not use uniforms or other identifying insignia which are associated with a party to the conflict.

Locations where persons of concern to UNHCR are residing should not be proximate to military installations of a party to the conflict.

Security for locations where persons of concern to UNHCR are residing and areas where aid workers live and work should be provided by a neutral civilian entity. Where the deployment of military personnel is necessary to protect the physical security of refugees in collective centers, or to patrol refugee-hosting settlements, they should be committed to the protection of refugees, and charged to carry out their functions in an impartial and non-discriminatory manner; they should also be professional, and properly trained, under a responsible and accountable civilian command. Their terms of reference and rules of engagement must be clear, and refugees should be fully informed of these terms and rules. The number of such personnel and their liberty of circulation among the refugees should be kept to a minimum.