CHAPTER 8 / PART D / SECTOR OVERVIEW DISPLACEMENT-RELATED LAW AND INFORMATION

1. Definitions and Objectives

1.1. Definition of Displacement-Related Law & Information

DRC's activities in the area of Displacement-related Law and Information concerns not only refugees but also other groups affected by displacement, including IDPs, returnees, and host communities as well as stakeholders who can significantly influence and/or has a responsibility to protect, respect and fulfil the rights of persons affected by displacement and conflict.

Displacement-related law and information – as a sector of intervention – is closely related to DRC's three strategic objectives, and in particular to the third strategic objective aimed at:

> *"…Promoting values, policies and capacities that contribute to the protection of peoples' rights and the peaceful handling of conflicts…"*

Many of the specific activities under Displacement-Related Law and Information that will be discussed in this section are activities that are often referred to as protection activities.

With direct reference to the international legal framework and instruments, i.e. Human Rights law, International Humanitarian law, the Refugee convention and the Guiding Principles on Internal Displacement (GPID) as well as relevant regional and national standards and policies, this area of intervention makes active and direct use of relevant legal standards to ensure that:

- displaced and conflict-affected persons are aware of their rights;
- displaced and conflict-affected persons people are able to claim and enjoy their rights;
- responsible duty-bearers on their part are held to account; and
- responsible duty-bearers are supported in protecting, respecting and fulfilling the rights of people.

1.2. Objectives

The overall objective of this Sector of intervention is to prevent rights violation and protect the rights of the target group through making active use of and disseminating displacement-related law, legal standards and information.

This is done by targeting both the rights-holders/beneficiaries of DRC's interventions, the responsible duty-bearers (state, authorities and non-state actors) and by addressing the relationship and interaction between the rights-holders and duty-bearers.

The specific objectives for this sector are:

- that beneficiaries/right holders are aware of their rights;
- that beneficiaries/right holders are capacitated to claim and enjoy their rights;
- that duty-bearers are capacitated to protect, respect and fulfil the rights of people;
- that duty-bearers are held to account in order to promote that they live up to their obligations; and
- that the dialogue and interaction between duty-bearers on the one hand and the civil society and right-holders on the other is strengthened;

1.3. Relationship with the DRC Assistance Framework

Displacement-Related Law & Information covers a relatively wide range of different activities, and is thus relevant to all three scenarios and different types of strategic objectives / types of assistance that are embedded in the DRC Assistance Framework (see Chapter 5). The table below attempts to illustrate the various forms of displacement-related law & information activities under the different scenarios and with the respective objectives. This is furthermore supplemented by section 3 below, which provides a non-exhaustive list of activities and some concrete guidance as to their implementation.

Table 1.1: Examples of Activities in Different Scenarios

Examples of Displacement-related Law and Information Objectives	Acute Crisis Scenario		
	Saving Lives	Protection, Restoration and Development of Livelihoods	Institutional & Organizational Change
	Appropriate Protection responses are implemented in respect of the newly displaced and other vulnerable populations affected by the armed conflict		*The level of awareness among relevant stakeholders and their access to information about the situation and the needs of the refugees/IDPs has increased*
Activity Examples	• Protection monitoring, referral & follow-up • Survey activities • Proactive presence • Mobilisation of other relief actors	• Provide information to displaced people on their rights (rights of access to services)	• Training of refugees/IDPs in accessing shelter rights & right to food • Workshop in human rights, protection and conflict resolution for DRC staff, traditional leaders, CBOs, NGOs and government, local authorities • Training of responsible authorities in refugee/IDP rights • Train government officials in refugee/IDP registration

Examples of Displacement-related Law and Information Objectives	Displacement Scenario		
	Saving Lives	Protection, Restoration and Development of Livelihoods	Institutional & Organizational Change
			Values, policies and capacities contributing to the protection of peoples' rights in the conflict-affected districts promoted through community-level awareness raising, training of key stakeholders and duty-bearing authorities, and direct advocacy
Activity Examples	• On-going protection monitoring, referral & follow-up • Collection of baseline data • Nutrition survey • Survey "forgotten" caseloads – NC, Uganda • Community profiles	• Dissemination of information to refugees/IDPs regarding rights issues, return issues, etc • Involve displaced/ host population in design and targeting • Provide displaced persons with information on situation in place of origin, through fact sheets, GSVc, GIVs GOM and information on rights to assistance for various durable solutions • Area of origin assessments • Facilitate community development plans	• Capacity building in human rights, protection and conflict resolution for traditional leaders, CBOs, NGOs, and government • Advocacy for displaced peoples' right to a durable solution • Advocate for governments to include refugee/IDP issues in their policies and plans • Support traditional leaders in revision of customary law and practices, advocacy and information campaigns and other initiatives to promote human rights and peace • Capacity development of national institutions in RSD and application of refugee law • Seek alliances with other actors • Provide input to national authorities and the assistance community on policies and strategies in support of development assistance to refugees • Create interagency group to document systematic instances of sexual allegation in camps • National conferences on durable solutions • Capacity building of host government agencies to take account of displaced population in local planning efforts.

Examples of Displacement-related Law and Information Objectives	Durable Solutions' Scenario		
	Saving Lives	Protection, Restoration and Development of Livelihoods	Institutional & Organizational Change
		IDPs, returnees, those wishing to return or relocate and those wishing to integrate locally are aware of their rights.	*Protection of persons of concern is strengthened through national laws and policies that conform to international standards of protection.* *Government institutions and national NGOs are capacitated to enable them to respond more effectively to the protection needs of IDPs returnees and those wishing to relocate or integrate locally and promoting of durable solutions for remaining IDPs*
Activity Examples	• Protection monitoring and presence • Post monitoring activities on people returning • Community profiles	• Promote freedom of movement and access to services • Information provision and practical assistance to support returnees/integrates knowledge, awareness and ability to exercise their rights • Informing returnees on progress of return process • Preparing receiving communities for return – e.g. GMVs • Economic activity surveys • Facilitate community development plans	• Provide training in rights and property issues • Capacity building in human rights, protection and conflict resolution for traditional leaders, CBOs, NGOs and government • Support traditional leaders in revision of customary law and practices, advocacy and information campaigns and other initiatives to promote human rights and peace • Capacity development of national institutions in RSD and application of refugee law • Advocate to influence government policies and donor priorities • Provide input to national authorities and assistance communities on policies and strategies in support of durable solutions • Support local authorities in registration • Support development models for durable solutions in a given context – e.g. return manuals in Kosovo

2. Principles Related to Programme Management

It is clear from the above table that the Displacement-related Law and Information sector covers a broad range of activities. They are often cutting across DRC's programmes and as such they are closely linked to and often instrumental for the implementation of other programme components - be they livelihood support, housing and small-scale infrastructure or emergency response. Therefore, DRC general programme management guidelines and operational principles, covered in chapter 6 and 7, are of key importance. In addition to this, the following is to be stressed:

- In the analysis and design of displacement-related law and information activities, the stakeholder analysis, identifying in particular the relevant rights-holders and duty-bearers, is crucial. Moreover, it is important to make the link to the legal standards and instruments relevant to the issue in question. Reference is made to the "Responsibility Assessment" tool elaborated in chapter 4.
- In monitoring, both quantitative and qualitative indicators and methodologies should be applied. Examples of displacement-related law and information indicators are given in section 3.11 below.
- With regard to evaluation, displacement-related law and information activities for a large part have objectives aimed at changing the level of knowledge, the behaviour and the attitudes of different stakeholders. Again, qualitative indicators and methodologies will be required to assess this.

In *Sri Lanka*, 3 different monitoring and evaluation tools were used in the impact monitoring of the Duty-Bearer training:

- Pre- and post tests
- Training workshop evaluation
- Impact monitoring interviews 2 months after completion of the training of 20% randomly selected participants

Apart from this, reference is also to be made to a set of best practices that relate specifically to this particular sector. These are[1]:

a. Focus on safety, dignity and integrity

Protection is about keeping people safe, preserve their personal dignity and provide for their wholeness as man beings. This is best done by working closely with people at risk and concentrating on safety, dignity and integrity as the protection edge of all humanitarian action

b. Think about law, violation, rights and responsibilities

A protection approach means first seeing the suffering of people in war as a violation. It is this violation that then produces secondary needs. Civilians in war who are hungry, ill, injured, destitute and impoverished or who have been sexually abused are in a state of extreme need because their rights have been violated. Their suffering and need result from a deliberate pattern of violations that is integral to the policy and conduct of the war and is in breach of international humanitarian law, human-rights law and refugee law. Violations of legal rights impose clear humanitarian, military or political duties on governments, non-state actors, individuals, and humanitarian agencies.

c. Ensure respect

A protective approach requires that humanitarian workers go beyond an aid-only approach and also focus on ensuring respect for humanitarian and human-rights norms. This involves humanitarian agencies taking up some key skills and techniques that have been more explicitly developed in human-rights practice to date. These skills are vital if humanitarian agencies are to work closely to or adhere to international legal standards, recognise and report violations, advocate more effectively, pressure relevant authorities and develop more conscious and targeted forms of protective practice.

d. Build on people's own self-protection capacity

Humanitarian common sense affirms the value of people's own knowledge, capacity, insight and innovation in any given situation that threatens them. As a result, good practice in humanitarian protection values close cooperation and participation in any relationship between humanitarian agencies and the people they are trying to help. People are seldom passive when they feel at risk: they engage in a range of finely judged actions to cope, respond, adapt and survive. This makes it essential that they are involved in, and often take the lead on, decisions concerning their own protection.

e. Prioritise inter-agency complementarity

Different agencies have different mandates, protection priorities and expertise. They also work in different places and on different political levels, nationally and internationally. It is important to take advantage of these differences in regard to combined efforts to protect civilians in war. Where appropriate, precedence should be given to mandated agencies. Care needs to be taken not to compromise one another's protection strategies and activities.

f. Prevent counter-protective programming or behaviour

Agencies can give, say and do things that seem sensible on one level, yet have a terrible effect on the very people they are trying to help. The personal behaviour and attitude of humanitarian workers is also critical to protective practice. Instances of social and political insensitivity by international staff in particular can pass unnoticed by the person concerned but can invite a terrible backlash against national staff and the community that person is supposedly trying to assist. Similarly, an agency's relationships with key actors, including military forces, the international media, and foreign governments, can be read in very different ways by different groups. Activities, attitude and behaviour can all prove counter-protective rather than protective and must be constantly and carefully scrutinised in relation to their impact on people's safety and protection.

g. Be realistic about your agency's limits

Humanitarian agencies have relatively limited means with which to protect civilians. In many situations, mandated and non-mandated bodies lack the political authority, the military force and the legal mandate that would give them the practical power to protect civilians effectively. Recognition of this fact is critical to ensuring realistic programming, to dissuading excessive expectation and to preserving agency morale. Humanitarian fieldworkers are not the people primarily responsible for protecting civilians. While they must be as creative and courageous as possible in every situation, they are part of a much wider system of moral, legal and political responsibility.

3. Activities – Examples and Guidance

Below follows a non-exhaustive description of and guidance on the various activities that can be implemented by DRC when working with displacement-related law and information and as listed in the table above. The different activities are seldom done in isolation but for the sake of clarity they are discussed one by one below. They are:

- Awareness raising about rights of refugees, IDPs, and returnees
- Return Facilitation & Information Dissemination – GSVs & GIVs
- Legal Aid, Counselling & Information
- Community Mobilisation – Building Capacities for Self-protection
- Humanitarian Presence
- Protection Monitoring & Reporting, Referral and Follow-Up
- Capacity Building of Duty-Bearers (state & non-state)
- Advocacy
- Dialogue and Interaction between Rights-holders and Duty-bearers & Opposed Groups

» Individual Protection Assistance

3.1. Awareness Raising About Rights of Refugees, IDPs, and Returnees

Often, displaced and conflict-affected persons are unaware about their rights, including rights and opportunities for durable solutions. This set of activities aims at raising awareness about the rights of displaced persons among not only displaced persons but also local/host communities and relevant authorities.

Awareness raising in communities, camps and settlements can take many forms from more traditional awareness raising/training sessions with the target group to more creative approaches, including street drama, distribution of leaflets, calendars, exhibitions, film documentary as well as activities with a larger outreach disseminating information about rights and durable solutions through e.g. radio and television.

In *Sri Lanka*, DRC implemented an information campaign on durable solutions for IDPs hosted in welfare centres. The information campaign consisted in:

» exhibitions, showing information about the rights of returnees (based on the IDP Guiding Principles), the importance of getting personal and land documentation, and landmine awareness. The exhibition was staffed by DRC social mobilisers, who helped IDPs by explaining exhibits and responding to questions, either immediately or through subsequent follow-up;

» street drama, developed by DRC to demonstrate the importance of obtaining documentation such as birth, marriage, and death certificates, National Identity Cards, and land documents; and to tell people to which officials they need to go to get these documents. In developing the drama, DRC staff worked closely with a group of enthusiastic children from a welfare centre, who were also actors in the drama;

» distribution of leaflets, in the local language, describing the importance of obtaining birth, marriage, and death certificates, National Identity Cards, and land documents; the relevant procedures; the supporting documents required; and the officials responsible for providing these documents;

» an island wide radio and TV campaign, designed to take the key messages of the welfare centre information campaign to Tamil and Sinhalese IDPs living outside the project area; and

» distribution of calendars, which used photos and the messages from the TV and radio campaign.

3.2. Return Facilitation & Information Dissemination – GSVs & GIVs

This set of activities serves to raise the awareness of IDPs and refugees as to their rights related to durable solutions, including return. The activities aim at conveying information about the options for durable solutions, the situation in areas of potential return as well as facilitating the access of IDPs' and refugees to information, thereby enabling them to make an informed decision on whether to exercise their right to return. The Range of possible activities is illustrated in the following case:

In *the Balkans*, DRC works to allow IDPs, refugees and other displaced persons to access information concerning the return environment in Kosovo through three "cross-boundary" return information related activities:

1. DRC facilitates Go-and-See Visits (GSVs) for IDPs, enabling them to visit their homes and hold discussions with the receiving community;
2. DRC makes it possible for IDPs to attend return-related forums such as Municipal Working Group meetings in which return is discussed among important stakeholders;
3. DRC facilitates Go-and-Inform Visits (GIVs), in which Municipal authorities and members of receiving communities visit IDPs at their location of displacement to inform them about opportunities to return. Further, DRC-Kosovo and DRC-Serbia/Montenegro organise seminars/workshops for various stakeholders to come together to discuss challenges and possible improvements in the return process.

These activities all serve to allow IDPs to make an informed decision whether to exercise their right to return.

3.3. Legal Aid, Counselling & Information

The legal aid, counselling and information activities are sometimes referred to as ICLA (Information, Counselling and Legal Assistance) – a term used by NRC, for instance.

The legal information, aid and counselling DRC does, is often implemented through legal aid centres but may also be carried out in a less formal way by visits to and meetings with displacement affected groups and communities. The activities are often focused on information related to the rights to return and to personal documents.

The possession of personal documents, such as birth certificates, marriage certificates, identity papers and/or refugee registration documents is absolutely essential in finding solutions to the conflict-affected persons' displacement problems. Possessing the relevant personal documents facilitates freedom of movement and

return as well as access to education, health care services, the labour market, pension entitlements, and inheritance.

Other documents of great importance are land and property documents. These documents are essential for the process of repossession of housing, land and property. The Pinheiro Principles, endorsed in 2005 by IASC, constitute the legal basis for guiding the restitution of housing and property for refugees and IDPs.

The process of restitution of housing and property is closely related to the work that DRC does in another core area of intervention – namely shelter and small-scale infrastructure. When DRC either rehabilitates or constructs houses for conflict affected families, the international standards and national laws, policies and standards play a prominent role and are adhered to.

In *Lebanon*, DRC provides legal aid, counselling and information to the so-called non-ID Palestinians. These are persons who are not recognised and registered – neither by UNRWA nor by the Lebanese authorities and therefore are staying illegally in Lebanon. To provide the non-ID population with documentation is a cumbersome task as each case is unique and needs to be handled individually.

Due to differences in displacement history, the non-ID refugees hold different documents and other effects that can contribute to the effort of getting proper documentation. DRC's legal aid, counselling and information activities consist in:

- interviews: DRC visits non-ID families to inform about the project and to conduct individual and confidential interviews;
- compiling files: DRC prepares the files including interview notes, copies of legal documents (even expired and invalid) from the refugee population;
- file submission: Files are presented to relevant authorities in Lebanon and other Middle Eastern countries along with a request for appropriate action. DRC covers the expenses related to travel, submission, notarisation etc. New cases are processed, and past cases are followed-up upon; and
- DRC and partners continue to inform non-ID Palestinians about their basic rights.

3.4. Community Mobilisation – Building Capacities for Self-Protection

Through mobilisation and capacity building of communities, these activities aim at enhancing people's ability to exercise, claim and enjoy their rights. These activities have strong elements of empowerment and participation. Thus, they built upon

the coping mechanisms, strategies and capacities for self-protection that people already possess – with the aim of further strengthening these. Examples of activities of this kind are provided in the following case.

In *Sri Lanka*, DRC works with communities to strengthen the confidence and capacity of IDPs/Returnees to assert their rights. This is done by developing knowledge of relevant national and international HR standards through training and awareness raising; by facilitating the identification of 'protection gaps'; by prioritization of issues to address; and by supporting the development of responsive strategies by communities.

A key way for DRC and partners to achieve this is through facilitating the development of Community Protection Capacity Development Plans. This involves:

- Community brainstorming on protection concerns;
- Community prioritisation of protection concerns; and
- Development of Community Protection Capacity Development Plans. Depending on the protection concern/issue, one of the following modes of activity would be chosen:
- Awareness raising/training in the community on e.g. land & documentation, human rights, women & children's rights and IDP rights
- Capacity building/training in community-based advocacy for CBO members
- Referral for specialist intervention

As such, the communities and their CBOs were made active participants in their own protection – through mobilisation, participation, awareness raising and skills development, and community-driven advocacy.

3.5. Humanitarian Presence

Humanitarian presence in the field can be used as a protection tool and thus have a protective impact in several ways, e.g. by:

- accompanying people and communities at risk;
- bearing witness and thereby exposing perpetrators to sanctions, prosecution and moral/political judgements;
- creating space for putting in place systems and rules for the protection of people; and

- restricting the political space of perpetrators, thereby increasing the costs of their abuses.

However, presence is not enough. "Passive" presence can be used by perpetrators to legitimise themselves and their actions. A presence should be proactive and it should be planned and implemented in a strategic manner that is designed to minimise the possibility of harmful side-effects. Likewise, monitoring mechanisms should be in place to ensure that the Do-No-Harm principle remains adhered to.

Further to this, the following considerations should be taken into account[2]:

- Humanitarian agencies should agree on basic parameters to ensure a protective presence, including the objectives for the presence, shared understanding of the protection gaps and strategy to identify protection gaps.
- Staff must be aware of the activities implemented and the potential risks – also to themselves as field workers.
- Affected populations should be aware of DRC's mandate and objectives.
- Realism and transparency about what can be achieved is of crucial importance.
- One should avoid creating false expectations and a premature sense of safety that could lead people to "drop their guards".
- The possibility of placing particular individuals or groups at risk by being seen together with them should be taken into account.

Because humanitarian presence should be proactive, the presence is typically combined with other activities – typically monitoring and reporting and/or more traditional assistance/service provision.

In *West Darfur*, DRC's programme includes a protection by presence component, aiming at

1. preventing further displacement motivated by need for assistance; and
2. stabilising the situation in the rural areas by balancing service provision between the Arabs and African population, thereby reducing the risk of hostilities between the ethnic groups.

The proactive field presence in West Darfur is complemented by monitoring and reporting/mapping activities and assistance to strengthen livelihood capacities in the area of the operation, thereby paving the way for participation, mobilization, reconciliation and community development.

3.6. Protection Monitoring & Reporting, Referral and Follow-Up

Used appropriately, monitoring and reporting can be a very powerful protection tool.

Monitoring goes beyond the collection of data and observations. OHCHR[3] defines (human rights) monitoring as an active collection, verification and use of human rights information. The monitoring is operational and action-oriented with the objective of protecting human rights. Hence, monitors should not only observe developments, collect information and perceive patterns. Protection monitors should identify problems and their causes, consider potential solutions and assist in problem solving.

The basic steps in monitoring & reporting are:

- analysis and prioritization (as a preparation for the next steps)
- information gathering and interviewing
- follow-up – seeking solutions
- reporting and dissemination

Monitoring is a tool of active protection. The process of information collection can have a protective impact. However, information gathering and interviewing is a sensitive and delicate process, requiring rigorous preparation and care. The reports coming out of the monitoring and information gathering are tools for analysis and for advocacy – both before and after publication.

In *Sri Lanka*, protection monitoring visits are conducted with a view to:

a. Assessing general protection 'trends' in a range of locations, including through 'spot checks';

b. Closely monitoring protection-related issues in locations in which there is a particularly high risk of violations; and

c. Identifying, documenting and actively following up individual protection cases.

Where possible the same teams will conduct regular follow-up visits to the same locations in order to develop a relationship of trust with communities and to ensure follow-up action on specific cases or issues identified.

The protection monitoring covers the following activities:

- Gathering of quantitative and qualitative data and information about the protection situation in locations where IDPs and other vulnerable populations are located
- Provision of information and advice to IDPs/vulnerable persons

- Identification, documentation and referral of violations to authorities/appropriate agency for redress/follow up, according to referral methodology agreed with UNHCR.
- Provision of gathered data and information to UNHCR and, where agreed with UNHCR, to other relevant stakeholders

Issues on which information will be gathered include:

- Basic needs (food, water, sanitation facilities, clothing, shelter, physical security)
- Access to services (transport, health, education)
- Documentation needs
- Protection concerns for women and children (e.g. abuse, domestic violence) and Human Rights violations generally
- Organization/structure of IDP community
- Relations to host community.
- Extremely vulnerable individuals or groups – identification and need for assistance
- Future plans

Templates have been developed to keep track and for a systematic referral and follow-up process.

Monitoring and reporting can take place in all phases: in acute crisis as an emergency response monitoring the situation as it evolves; in protracted displacement situations identifying protection concerns and opportunities for livelihood restoration and potential durable solutions; and in a durable solutions scenario in the form of e.g. return monitoring, monitoring the environment and rights situation in areas of return.

Monitoring may be undertaken by DRC to improve the ability to respond to violations and concerns and generally for planning purposes. Often, however, DRC also conducts monitoring activities with a view to also providing other key humanitarian actors and authorities with relevant information about protection concerns and vulnerabilities. Please refer to the tool on Information Management for more details. This also relates to DRC's commitment to coordination and to ensuring complementarity and efficiency in the delivery of assistance.

3.7. Capacity Building of Duty-Bearers (State & Non-State)

Capacity Building is one of DRC's operational principles (please see section 6.5.2 on Capacity Development).

Under displacement-related law and information, capacity building of duty-bearers has a very specific objective, namely to facilitate and support the government and authorities in becoming capable of fulfilling their obligations as the primary responsible to protect, respect and fulfil the rights of people.

Capacity-building of duty-bearers can be done at many levels from the central government level to the local community level. It can target many different duty-bearing individuals and institutions such as police, military personnel, prison staff, the judiciary system, lawyers, local government agents/officers, line ministries and departments as agriculture, education and health, teachers, ministry of interior and immigration authorities.

Capacity building activities can take many forms – from the more traditional awareness raising and training activities to on-the-job training, mentoring, secondment of staff, and concrete material resources and support enabling duty-bearers to perform their duties.

Often capacity building will be a functional process aimed at strengthening the system, the institution as well as the capacities of the individuals of the system. However, it may also be the case that a strategic choice is made of supporting "reformers" inside the institution or other stakeholders outside the system, e.g. civil society organisations, in their efforts to put pressure on the duty-bearers.

This underlines that it is absolutely essential that an analysis of the duty-bearers compliance aptitude[4] is done prior to embarking on capacity building activities. Basically, it is necessary to gauge whether non-compliance of duty-bearers is due to lack of willingness to address the issue or lack of capacity or both. If it is a lack of willingness, then capacity building may not be the most relevant activity. Rather, more advocacy-oriented activities are called for (see below). Once it has been established that the capacity of the duty-bearers needs to be strengthened, then it will be important to be very specific on where the gaps in capacity are.

Capacity building should not be a stand alone activity. Capacity building activities should always be linked to the ultimate goal of promoting the protection and durable solutions for conflict- affected people.

Under displacement-related law and information, capacity building covers a broad range of issues, including refugee law, RSD, Guiding Principles on Internal Displacement (GPID), International Humanitarian Law (IHL), human rights, children's rights, SGBV, but also more practical guidance and support in providing assistance to IDPs and refugees thereby fulfilling their rights. This is, for instance, the case in DRCs programme in Central Asia.

In *Central Asia*, DRC works at the central level to strengthen refugee protection in Tajikistan, Kyrgyzstan, Uzbekistan and Kazakhstan by promoting a basic understanding of international refugee law and by improving Refugee Status Determination (RSD) activities, both among relevant duty-bearing authorities and civil society organisations.

DRC's programme in Central Asia has 4 immediate objectives, which are:

1. The ability of the Immigration Authorities in Kyrgyzstan, Kazakhstan and Tajikistan to process asylum cases in accordance with international standards further developed;
2. RSD procedures established both in the capitals and in larger cities in the four targeted countries
3. The capacity and competence of a regional corps of 15 trainers enhanced
4. Capacity of Kyrgyz, Uzbek, Tajik and Kazakh NGOs strengthened to become active and influential actors in the field of refugee protection in Central Asia.

DRC works with both the duty-bearing institutions and civil society organisations, thereby seeking to strengthen the interaction and relation between duty-bearers and civil society. The ultimate beneficiaries are asylum seekers, refugees and other victims of forced displacement. The immediate beneficiaries are a corps of trainers from civil society and government institutions together with case workers in the Kyrgyz, Tajik and Kazakh Immigration Authorities.

The project consists of two main activities, which are complementary and simultaneously implemented:

» Support to a regional corps of trainers recruited from civil society organisations and government institutions in Uzbekistan, Tajikistan, Kazakhstan and Kyrgyzstan, including national government RSD officers, NGO staff, judges, and a few UNHCR local staff from Kyrgyzstan, Tajikistan, Uzbekistan and Kazakhstan. All trainers are equipped with the knowledge and skills to train others in protection issues. The corps of regional trainers is a unique resource to Central Asia both as training capacities and as a forum for dialogue and work relations amongst actors from the civil society and the governments, both within and between the said countries. The programme also promotes the regional corps of trainers' ownership and management of Asian activities. This is done by supporting their participation in elaboration and implementation of cross cutting projects in the field of refugee/IDPs protection by making a small grants facility available. Small grants will be offered to projects that focus on:

- Awareness Raising (lobby, advocacy, seminars, legislation, guiding principles)
- Training (regional, national, local, institutional)
- Research (publishing materials, legislation, guiding principles, best practice)

» Deployment of an experienced and knowledgeable Danish RSD expert, who speaks Russian and who is familiar with the CA region, to work temporarily with the Kyrgyz, Tajik and Kazakh Immigration Authorities with the aim to provide training and assistance to the staff and to act as a focal point for an exchange of information and best practice

DRC not only works with the capacity of duty-bearing state authorities. Non-state actors, e.g. armed groups and opposition groups also have obligations particularly under International Humanitarian Law as illustrated by the following case from DRC's programme in Sri Lanka:

In *Sri Lanka*, DRC works with both state and non-state duty-bearers to highlight their (Govt. and LTTE) obligations as 'duty bearers' and encourage/support them to meet these obligations. This is done by:

» Training on international human rights standards

» Training on fundamental rights and the responsibility of officials

» Facilitating dialogue about how to overcome obstacles (not necessarily DRC, other agencies)

» Advocacy to address systemic issues (issues that cannot be resolved locally)

DRC works with frontline government officials at district and division level. The government officials include administrative, development, technical e.g. livelihood, budget and management staff.

DRC has experienced a number of challenges, which include:

» District level interventions do not necessarily address structural obstacles

» Difficulties in measuring the impact on IDPs/Returnees

» Escalation in conflict makes most activities challenging (especially working with LTTE)

Working with non-state actors in the Sri Lankan context has had specific challenges, including:

- Some resistance to activity/approach
- Engagement with only parts of the apparatus (i.e. the political & administrative wing of LTTE – not the military wing)
- Limited number of formal obligations on LTTE as non-state actor (mostly under common article 3 in the Geneva Conventions)

3.8. Advocacy

Advocacy is one of DRC's operational principles (please see section 6.5.4 on Advocacy in chapter 6). Specific advocacy vis-à-vis the duty-bearers can be conducted at many different levels from the global international level to regional, national, district/province down to community level. Advocacy activities can target individual duty-bearers or duty-bearing institutions.

Under displacement-related law and information, the primary objective of DRC's advocacy efforts is to advocate vis-à-vis duty bearers to hold them to account, and thereby to push them into living up to their obligations.

Advocacy activities must be based on a thorough stakeholder analysis as this will uncover sensitivities and points of leverage of the particular duty-bearer(s) that is to be targeted. All stakeholders have sensitivities and the challenge is to identify these and the relevant entry points.

Advocacy is many things. Every humanitarian contact can have a protection message – direct or subtle. DRC advocacy strategies and messages should take into consideration the mandate, DRC's political weight, the context and who we are dealing with.

Advocacy can be:

- public or discreet
- direct or indirect

Indirect, discreet messages are, for instance, given by:

- showing up, adding "weight" to others' messages/advocacy;
- calling attention to the resources you bring;
- asking questions about beneficiary security in general;
- linking humanitarian issues to civilian security; and
- showing concern over your own staff safety,

whereas direct, discrete advocacy can be exemplified by:

- expressions of concern in private meetings with government or armed group counterparts; and
- private warnings of the negative consequences of abusive actions.

Direct, public advocacy can include:

- demarches noting concern or recommending action;
- vocal participation in country team, inter-agency, coordination meetings with authorities;
- joint communiqués, public reports, etc.; and
- calls for advocacy by other players.

The examples listed above indicate that there are many ways of doing advocacy. These may also be grouped according to the modes of action that form part of the Protection Egg framework: mobilisation, persuasion and denunciation (see chapter 4).

Advocacy is closely linked to visibility and presence as being present in itself can send a strong message that DRC is concerned about the situation and pays attention to the issues. Often hard choices need to be made as a classical dilemma is that very strong and direct advocacy may jeopardise the access to the people of concern.

Advocacy need not be done by DRC or by DRC alone. In some situations, it is more relevant and effective to mobilise other actors to take action. Actors who are better positioned or may not risk having the access to the people of concern cut off. In some situations, discrete persuasion of the duty-bearers will be the most appropriate strategy, whereas in other situations very direct public advocacy (denunciation) is called for. The choice of approach will to a large extent depend on the duty-bearers' compliance aptitude, i.e. willingness and capacity to comply and live up to their obligations.

It is important to remember multi-level advocacy if at all possible, i.e. identifying several entry points at different levels, be persistent and to look out for allies – like-minded humanitarian agencies in the advocacy work vis-à-vis duty-bearers.'

In its own special way, the following case illustrates some of the above approaches as well as the general potential in advocacy work.

In *Somaliland*, traditional leaders play an important role in society as:

- Conflict mediators
- Law makers
- Administrators

They have a growing influence in the absence of a stable government. They have a key role in the Somaliland peace process and they are represented in the "Guurti" or House of Elders, which is the Upper House in the Parliament of Somaliland.

In 2003, DRC received a request from the Aqils (traditional leaders in charge of the day to day conflict resolution among and within clans) of Toghdeer region to support the abolishment of harmful practices that had become customary law (Xeer)after the collapse of the central government. DRC's approach to working with the traditional leaders and building capacity, included:

- supporting dialogue among traditional leaders and other relevant stakeholders through 3-5 day workshops;
- facilitating discussions on identified human rights violations/harmful practices;
- supporting agreement among the involved traditional leaders on the abolishment of the identified harmful practices
- signing of a declaration on abolishment of harmful practices and protection of the rights of vulnerable groups in the community
- conducting an advocacy campaigns among the population

The key human rights addressed in the DRC's work with the traditional leaders were:

- Killing - revenge killing (end of clan protection for the perpetrator of a killing)
- Protection of the rights of women (forced marriage)
- Protection of the rights of children (protection of orphans, right to education, equal access to education for boys and girls)
- Protection of the rights of minorities (minority clans - condemnation of any form of discrimination; right to intermarriage with members of other clans; refugees and IDPs - access to the same rights as the local population; foreigners - right to life and security)
- Conflict resolution effect (linked to dialogue and contemporary presence in the same venue of traditional leaders belonging to different clans, often in conflict for years)

The results of these efforts have included:

- Decreased crime rate in the targeted locations – particularly killing
- Decreased number of forced marriages
- Increased number of intermarriages between majority and minority clans

» Increased collaboration between duty bearers (traditional leaders, formal judges, police forces)

3.9. Dialogue and Interaction between Rights-holders and Duty-bearers & Opposed Groups

The relationship, interaction and dialogue between the rights-holders and the duty-bearers is of primary importance when promoting and strengthening the respect, protection and fulfilment of the rights of IDPs, refugees, returnees and other conflict-affected people. Therefore, DRC works to facilitate and strengthen such relations, as reflected in the following cases from South Sudan and Somaliland:

In *South Sudan*, DRC works together with UNDP on a Rule of Law project. In the area of rule of law, returnees like most Southern Sudanese face enormous challenges in accessing justice. More than two decades of civil war have resulted in weak access to justice institutions. Courts, police, prisons etc. are ill-equipped, understaffed and poorly coordinated.

To address this DRC and UNDP has developed a rule of law forum. The forum brings together rule of law institutions at county level (prison, police, chiefs, judiciary), civil society organisations, especially women and youth groups, and UN agencies (UN police and UNHCR). As such the forum seeks to establish a dialogue and strengthen the inter-relation between these different actors.

The objective of this forum is to improve access to justice. It is believed that by holding regular forums UNDP and DRC will be able to:

» Create a medium where rule of law issues can be discussed by all actors

» Find out what is working well in the rule of law area

» Find out what improvement is needed and how improvements can be made

» Forward and circulate reports and recommendations from the forums to GoSS (government of South Sudan), UN agencies and partners for possible assistance and to provide a mechanism to develop strategies on rule of law reforms.

In *Somaliland*, DRC works with community-policing with the objective of strengthening the dialogue between the different key actors, thereby contributing to peace and security. The project includes the following steps:

1) The main stakeholders in maintaining/creating peace and security were identified as: the police, the regional administration, the local administration, the judiciary, the traditional leaders, the religious leaders, and civil society (especially women and youth groups).
2) A workshop with senior representatives of all these stakeholders was held to identify the main crimes occurring in the area and its causes. It went on to discuss the potential roles of the different stakeholders in crime reduction through identifying achievements, constraints and challenges and by agreeing on a plan for collaboration amongst the stakeholders. Finally, the participants create a "steering committee" tasked to follow up.
3) A second workshop was facilitated by DRC and with the participation of all Police Commanders and higher police officers. The aim was to sensitize the policemen on the importance of dialogue and collaboration with the other stakeholders and to give them the mandate to mobilize the community within their constituency to establish community-based policing committees, in collaboration with the members of the steering committee. Women and youth groups should be represented in these committees.
4) A third workshop sensitised the members of the committees on the meaning of community-based policing and on the importance of collaboration and dialogue among the key stakeholders. Their role was identified as filling the gap between the police and the community in different ways:
    1. Monitoring violence happening in their community and act consequently: promptly call for the police intervention, when necessary; directly conduct investigations on the cases and share information with the police; proceed to the arrest of the culprit, when the police does not have the means to do it; follow up on the resolution of many cases, especially when they are solved through traditional mediation techniques.
    2. Conducting fund-raising among the community to support police activities (fuel, but also rehabilitation of buildings).
    3. Raise awareness among the community on the importance of supporting the police and collaborating with them for everybody's peace and security.

3.10. Individual Protection Assistance

Individual protection assistance to extremely vulnerable individuals (EVIs) or persons with special needs (PSNs)[5] is a resource-intensive set of activities but can be warranted in specific situations where a number of individuals or groups are found

to be particularly vulnerable and at risk and where a well-defined and targeted support will make a difference in terms of improving their living conditions and the fulfilment of their rights.

In *West Darfur*, support to extremely vulnerable individuals (EVIs) is provided to give an immediate answer to some specific situations of increased vulnerability: Particular vulnerable families will be identified and supported in order to slightly improve their life's standards. The type of assistance might vary from provision of NFIs (blankets, mosquito nets, jerry cans, plastic sheets, women's clothing, plastic mattresses) to agricultural inputs (donkey carts, donkey ploughs, water irrigation pumps) or some cattle (donkey and sheep).

In ***Sri Lanka***, DRC's protection monitoring includes the identification of vulnerable individuals and the development of an appropriate protection intervention to promote the fulfilment of their human rights. In many cases the most immediate protection need for the individual is material assistance, including livelihood support or emergency items. This assistance should aim to support a long term impact and, where appropriate, should be complemented by other protection strategies such as capacity building of communities or advocacy.

Criteria for Assistance:

The individuals considered for individual protection assistance should meet one or more of the following criteria:

- Single headed household (e.g. widows/widowers or abandoned) without support
- Disability – physical and mental
- Serious medical or condition
- Extreme poverty
- High number of dependants
- Single elderly
- SGBV Survivor

3.11. Examples of Indicators

Table 1.2: Examples of Indicators from DRC Lebanon

Output/Results	Output Indicators
The non-ID population has continued to receive legal support pending an appropriate resolution to their non-registered status.	• At least 100 families approach DRC for legal aid interviews; • The cases of at least 100 families are compiled and studied by DRC; • 50 families from DRC caseload receive documentation and/or recognition from Lebanese authorities, UNRWA, PLO, or previous host countries of non-ID refugees.
An active dialogue towards resolving the non-ID refugee issue is maintained by responsible authorities, most notably the Lebanese government, the PLO and UNWRA.	• Lebanese authorities continue to work on solving the status of non-ID refugees along with foreign authorities, the PLO and UNRWA; • Relevant stakeholders are regularly updated on the situation of non-ID refugees

Table 1.3: Examples of Indicators from DRC Sri Lanka

Immediate Objective:	Immediate Objectives Indicators
Values, policies and capacities contributing to the protection of peoples' rights in 6 conflict-affected districts of NE Sri Lanka promoted through community-level awareness raising, training of key stakeholders and duty-bearing authorities, and direct advocacy	• Communities and authorities (GoSL & LTTE) demonstrate increased knowledge about their respective rights and responsibilities under international human rights and humanitarian law; • IDPs demonstrate increased awareness regarding their rights and how to access appropriate remedies; • GoSL and LTTE authorities demonstrate increased receptiveness towards meeting their protection obligations;

Output	Output Indicators
IDPs and resettled/relocated IDPs/refugees have increased their awareness and knowledge of their rights and how to exercise them. Authorities are trained and conversant in their respective obligations as protection 'duty bearers'	• 20 communities in target districts have participated in awareness raising programmes and know to whom to address their protection problems/ 100 GoSL & LTTE personnel in programme districts are trained and conversant in human rights issues and in their respective duty-bearer responsibilities; • CBOs in 10-12 DRC integrated programme villages have one or more staff members trained in advocacy principles and techniques • Advocacy initiatives undertaken in 50% of DRC integrated programme villages.

Output	Output Indicators
Advocacy routinely undertaken by DRC to address the needs & rights of IDP return/ relocation communities and displaced IDP families at national and local levels	• No. of DRC advocacy interventions at local & national level and extent of DRC participation in relevant co-ordination/sectoral foray • 4 DRC advocacy interventions of which 2 are at a national / central level • DRC participates in relevant national networks • Ongoing dialogue with GoSL and LTTE authorities on systemic problems • Active contribution by DRC in NGO consortium and other general and relevant sectoral fora • Ongoing protection monitoring in IDP and returnee areas; including information sharing, referrals and follow-ups.

Selected Reference Material

- Proactive Presence – Field Strategies for Civil Protection, Liam Mahony, 2006
- Protection for Conflict-Induced IDPs: Assessment for Action, IASC, (Inter-agency assessment framework for protection of IDPs), 2007
- IDP Protection Handbook, UNHCR, (Inter-agency comprehensive handbook on protection of IDPs), provisional release edition (1), 2007 (See Annex D6)
- Needs Analysis Framework (NAF), IASC (framework for CAPs), 2006
- The UNHCR Tool for Participatory Assessment in Operations, UNHCR, (the tool and its use is guided by an age, gender, and diversity mainstreaming (AGDM) approach, a rights-based approach and a community-based approach), 2006 (See Annex D16)
- Protecting Refugees – A Field Guide for NGOs, UNHCR, 2003 (See Annex D17)
- Strengthening Protection in War, ICRC, 2001
- Protection in Practice – an Introduction, Oxfam, 2005
- Protection Monitoring & Indicators. Protection monitoring in return areas during transition phase. A compilation of international standards and indicators, UNHCR
- Protection - An ALNAP guide for humanitarian agencies, Hugo Slim & Andrew Bonwick, 2005 (Annex H4)

Notes

1) Adopted from Protection, an ALNAP Guide for Humanitarian Agencies (2005), by H. Slim and A. Bonwick.
2) This section is inspired by Proactive Presence – Field Strategies for Civil Protection, Liam Mahony, 2006
3) Office of the High Commissioner on Human Rights
4) Compliance aptitude is the willingness and capacity of the duty-bearers to live up to their obligations. See chapter 4 for details.
5) EVIs and PSNs are terms used by UNHCR