

# Incorporating Protection into UNRWA Operations

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## 1. Introduction

With a population of approximately 4.7 million Palestine refugees<sup>1</sup> in Jordan, Lebanon, Syria, the West Bank and the Gaza Strip eligible for services, and a staff of 29,000, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is one of the United Nations' largest agencies.<sup>2</sup> UNRWA is unusual compared to most other UN agencies in that, through its five main programmes – education, health, relief and social services, micro-finance and infrastructure and camp improvement – it is a direct provider of public services and therefore has responsibilities broadly analogous to those of equivalent governmental authorities.<sup>3</sup> The scope and depth of UNRWA's service delivery places it in a strong position to contribute a holistic response to protection threats<sup>4</sup> and vulnerabilities.<sup>5</sup> It also, however, places a strong responsibility on the Agency to ensure that the manner in which it provides its services promotes and respects the rights, dignity and safety of its beneficiaries. As such, UNRWA, established under General Assembly resolution 302 (IV) of 8 December 1949 has, from the very moment it became operational on 1 May 1950, undertaken activities aimed at protecting the rights and well-being of Palestine refugees.

In addition to the protection UNRWA provides through its own service delivery, the Agency has a responsibility to ensure that Palestine refugees benefit to the greatest degree possible from the international protection to which they are entitled. UNRWA, in coordination with its partners in other UN agencies, the NGO community and national authorities, works to promote respect for the rights of Palestine refugees through monitoring, reporting and intervening. Interventions range from responses to specific problems, and preventative or remedial action, to action aimed at creating an environment in which rights are respected.

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<sup>1</sup> Palestine refugees “are persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services. The Agency accepts new applications from persons who wish to be registered as Palestine Refugees. Once they are registered with UNRWA, persons in this category are referred to as Registered Refugees or as Registered Palestine Refugees”. The following additional groups are registered for the purposes of receiving UNRWA services, but are not counted as part of the official Registered Refugee population of the Agency: Jerusalem Poor and Gaza Poor; Frontier Villagers; Compromise Cases, Married to a Non-Refugee (MNR) family members; Non-refugee wives; and, Kalafah children. In addition, several groups that are not registered in UNRWA's registration system are categorised as eligible to receive UNRWA services, including: persons displaced as a result of the 1967 and subsequent hostilities; persons identified by the CG as eligible to receive services; beneficiaries under Emergency programmes; recipients of UNRWA's microfinance programme; UNRWA staff family members; and, non-registered persons living in refugee camps and communities. UNRWA (2006) Consolidated Eligibility and Registration Instructions, Department of Relief and Social Services.

<sup>2</sup> Report of the Commissioner-General of UNRWA, 1 January-31 December 2007, Document A/63/13, General Assembly Official records, Sixty-third Session, Supplement No. 13.

<sup>3</sup> UNRWA Medium Term Strategy 2010-2015, para. 112.

<sup>4</sup> The term “protection threat” refers to any event or process that, if it occurs or continues to occur, will negatively impact on the safety, dignity, rights or overall well-being of an individual or group.

<sup>5</sup> UNDP defines vulnerability as “A human condition or process resulting from physical, social, economic and environmental factors, which determine the likelihood and scale of damage from the impact of a given [threat].” Reducing Disaster Risk: A Challenge for Development. UNDP (2004).

Also, as the need for a just and durable solution to the plight of the Palestinian people is the key to the enjoyment of national protection and the realization of other rights, UNRWA has an important role to play in highlighting to the international community the urgent need for that solution and for the rights, views and interests of the refugees to be heard and safeguarded in its elaboration.

For UNRWA, protection is an essential, cross-cutting theme within a holistic and multidisciplinary approach. Addressing protection needs is an essential dimension of UNRWA's humanitarian and human development work, vital to ensuring that the challenges faced by Palestine refugees are addressed as comprehensively as possible.

This article examines some of the ways in which UNRWA is currently incorporating protection in to its operations. It begins by examining what protection means to UNRWA and how protection has been incorporated into UNRWA's strategic planning, it goes on to outline the components of UNRWA's protection role and provides some examples of how UNRWA is in practice providing protection to Palestine refugees. It finishes by examining the staff and structure that UNRWA has put in place to operationalise protection and looks at some of the challenges and lessons learned.

## **2. What protection means to UNRWA**

For UNRWA, protection is an integral part of a holistic approach to meeting refugee needs in education, health, relief and social services, micro-finance and infrastructure and camp improvement, and to obtaining full respect for the rights of refugees under relevant international law.<sup>6</sup>

UNRWA's operational definition of protection, as referred to in UNRWA's Medium Term Strategy 2010-2015, is as follows:

*"Protection is what UNRWA does to safeguard and advance the rights of Palestine refugees".<sup>7</sup>*

This definition is based on wording used in a consultancy report, *'What Protection Means to UNRWA in Concept and Practice'*, prepared by Nicholas Morris in March 2008<sup>8</sup> and is in line with the definition of protection adopted by the UN Inter-Agency Standing Committee (IASC).<sup>9</sup>

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<sup>6</sup> UNRWA's Interim Programme Strategy 2008-2009 (24 September 2007), 3.2.2., pp. 9.

<sup>7</sup> UNRWA Medium Term Strategy 2010-2015, para. 49.

<sup>8</sup> Morris, N. (2008) "What protection means for UNRWA in concept and practice", Consultancy report, pp. 2-3, para. 3.1.

<sup>9</sup> The IASC defines protection in the following terms: *"The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (that is, human rights law, international humanitarian law and refugee law)". (See: Inter-agency Standing Committee, (1999), Protection of Internally Displaced Persons: Inter-Agency Standing Committee Policy Paper, New York, December, p4 and IASC (2002) Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action).* It should be noted that this definition was first arrived at through a series of inter-agency workshops conducted under the auspices of the International Committee of the Red Cross (ICRC) at the end of 1990s (See: ICRC (7 January 1999) Third Workshop on Protection, Background paper).

From this definition it is clear that protection of the rights of Palestine refugees is inherent in the nature of UNRWA's work and is addressed at many different levels.<sup>10</sup>

One level is where human rights issues intersect with UNRWA programmes. At this level UNRWA's programmes, including emergency programmes and the provision of targeted assistance to specific vulnerable groups, directly promote the rights of the refugees they serve. These rights include:

- Economic and social rights such as the right to free primary education, the right to the highest attainable standard of physical and mental health and the right to an adequate standard of living.

Another level of activity is required where rights and freedoms of Palestine refugees are neglected or violated by States and authorities. At this level UNRWA has a responsibility to engage, either directly or indirectly, with the concerned authorities in order to promote respect for the rights of the individuals affected. These rights include:

- Civil and political rights such as the right to life, the right to security of person, the right to freedom from discrimination, the right to freedom of movement and the right to protection from arbitrary displacement.

Thus, by ensuring access to core services, combined with targeted assistance and interventions to the relevant authorities, UNRWA endeavours to safeguard and advance the rights of Palestine refugees. Given the Agency's long-term efforts to promote the rights of Palestine refugees to a decent education, health care and standard of living, it is clear that UNRWA has been engaged in protection activities from its inception.

UNRWA's protection activities are firmly grounded in relevant General Assembly (GA) resolutions, which recognise the "*valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees*"<sup>11</sup> and provide specific encouragement to UNRWA to make "*further progress in addressing the needs and rights of children and women in its operations*" in accordance with, respectively, the Convention on the Rights of the Child and the Convention on the Elimination of all forms of Discrimination against Women.<sup>12</sup>

Also, it should be noted that as a subsidiary organ of the General Assembly, UNRWA has an inherent commitment to observe human rights and associated international standards and good practice in its programmes. This commitment is in line with the stated purpose of the UN under the Charter of the United Nations<sup>13</sup> and the GA's call "*upon all parts of the United Nations to promote human rights and fundamental freedoms*"<sup>14</sup>.

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<sup>10</sup> For a discussion of UNRWA's protection mandate see Bartholomeusz, L. "The mandate of UNRWA at Sixty", *Refugee Survey Quarterly*, 28 (2 & 3), 2009, 466.

<sup>11</sup> See for example, UNGA res. 63/93, 5 Dec. 2008 and res. 64/89, 19 January 2010

<sup>12</sup> See for example, UNGA res. 64/89, 19 January 2010

<sup>13</sup> Charter of the United Nations, Art. 1, para. 3, 1945.

<sup>14</sup> General Assembly A/RES/60/1. 2005 World Summit Outcome, para 119.

## **2.1. The Protection Framework in UNRWA's Medium Term Strategy for 2010-2015**

The Agency's commitment at the highest level to protection is recognised by the central place that human rights and protection occupy as a key cross cutting theme in the Agency's Medium Term Strategy 2010-2015 (MTS) and as one of UNRWA's four human development goals,<sup>15</sup> *"Human rights enjoyed to the fullest"*.<sup>16</sup>

UNRWA's four goals for the human development of Palestine refugees are:

1. A long and healthy life;
2. Acquired skills and knowledge;
3. A decent standard of living; and,
4. Human rights enjoyed to the fullest.

The fourth human development goal is comprised of four strategic objectives:

- *"Ensure service delivery meets the protection needs of beneficiaries, including vulnerable groups"*<sup>17</sup> – this refers to ensuring that UNRWA services and programming incorporate a protection analysis throughout the programme management cycle, in particular in order to address specific protection vulnerabilities of Palestine refugees.<sup>18</sup>
- *"Safeguard and advance the rights of Palestine refugees by promoting respect of human rights, international humanitarian law and international refugee law"* – this refers to all action taken by UNRWA to engage, directly or indirectly, with the relevant authorities on behalf of the rights of Palestine refugees.
- *"Strengthen refugee capacity to formulate and implement sustainable social services in their communities"* – this refers to all action taken by UNRWA to strengthen the capacity of Palestine refugees to provide protective services from within the community.

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<sup>15</sup> The UN describes human development in the following terms: "Human development is a process of enlarging people's choices. Enlarging people's choices is achieved by expanding human capabilities. ... At all levels of development the three essential capabilities for human development are for people to lead long and healthy lives, to be knowledgeable and to have a decent standard of living. If these basic capabilities are not achieved, many choices are simply not available and many opportunities remain inaccessible. But the realm of human development goes further: essential areas of choice, highly valued by people range from political, economic and social opportunities for being creative and productive to enjoying self-respect, empowerment and a sense of belonging to a community." See: <http://hdr.undp.org/en/humandev/glossary/#h>

<sup>16</sup> UNRWA Medium Term Strategy 2010-2015, paras. 47-49 and 110-117.

<sup>17</sup> UNRWA has defined the following as vulnerable groups: *"Vulnerable persons are persons with specific protection needs, including children affected by violence, orphans, children, youth at risk of exploitation, child detainees, children with special educational needs, people with disabilities, women-headed households, the elderly, special hardship cases (or the abject poor) and other persons in difficult economic conditions, non-ID holding refugees, refugees displaced or at risk of displacement, persons affected by gender based violence, chronically-ill and those who may be vulnerable or excluded on other grounds"*. UNRWA Field Implementation Plan guidelines, 2008.

<sup>18</sup> UNRWA recognizes that vulnerability is a dynamic process, rather than a static condition and is shaped by time and by degree of exposure to threats and the ability to withstand or avoid those threats. Therefore, vulnerability is highly contextual, varying overtime and between fields, groups and individuals. As noted in the UNRWA Medium Term Strategy 2015, *"[it] is clear that vulnerability is linked to specific circumstances that prevail in UNRWA's different field locations. In Syria, youth have been identified as particularly vulnerable. In West Bank, "Area C", Bedouin and herding refugees are among the most vulnerable because of closures and restrictions on movement, while in Gaza high levels of vulnerability can be seen among women and the poor. Some groups have greater needs than others in relation to core services, such as special needs children with regard to education and the chronically ill or disabled with regard to health provision"*. UNRWA Medium Term Strategy, 2010-2015, para. 41.

- *“Ensure Palestine refugee registration and eligibility for UNRWA services are carried out in accordance with relevant international standards”* – this refers to ensuring that UNRWA’s registration processes and procedures, as the critical channel to determine eligibility to UNRWA services, conform to the highest standards of fairness, transparency and accessibility.

This article will deal mainly with the first two of the above mentioned strategic objectives contained within this human development goal. While the fourth human development goal is where UNRWA’s commitment to protection is made most clear, it should be emphasized that protection runs throughout the MTS and is implemented by all programmes in all fields. As is stated clearly in the MTS in relation to the first strategic objective under this goal, “action to ensure this objective is reached is planned by fields in relation to goals one, two and three. In other words, protection standards will be integrated into the planning and delivery of UNRWA’s core services. In addition, UNRWA will ensure that protection needs are addressed in all aspects of programming, project design, policies, protocols and procedures as well as in staff training.”<sup>19</sup>

The protection strategy outlined in the MTS focuses on “achieving of protection through quality service delivery...and action on international protection”.<sup>20</sup> “This includes measures to promote respect for their [refugees] rights under international law through monitoring, reporting and intervening with relevant actors able to address them”.<sup>21</sup> This approach to protection recognises UNRWA beneficiaries as persons holding rights and entitlements under international law as well as the corresponding obligations this places on duty-bearers. UNRWA’s approach to protection, or rights-based, programming of its services, within the human development framework, is closely linked to the UN-wide effort towards a human rights-based approach to programming and development.<sup>22</sup>

### **3. Components of UNRWA’s protection role.**

The Morris report of 2008 identified a framework for UNRWA’s role in the protection of Palestine refugees that consists of four components. Two components are centred on

<sup>19</sup> UNRWA Medium Term Strategy 2010-2015, para. 112.

<sup>20</sup> UNRWA Medium Term Strategy 2010-2015, para. 49.

<sup>21</sup> UNRWA Medium Term Strategy 2010-2015, para. 16.

<sup>22</sup> The UN Secretary General’s programme for reform launched in 1997, underscored that human rights are a concern that cuts across the entire UN system and called upon all UN agencies to mainstream human rights into their various activities and programmes. In a human rights-based approach (HRBA), human rights determine the relationship between individuals and groups with valid claims (rights-holders) and State and non-State actors with obligations (duty-bearers). A HRBA identifies rights-holders (and their entitlements) and corresponding duty-bearers (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations. In 2003, UN agencies agreed on the following Statement of Common Understanding on the essential attributes of a human rights-based approach to development programming:

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of “duty bearers” to meet their obligations and of “rights-holders” to claim their rights.

See: UNDP Poverty Reduction and Human Rights, A Practice Note (June 2003), pp.11.

UNRWA's programmes and staff, (and therefore have an internal dimension) and two are directed to entities external to UNRWA, and depend primarily on them for their realization (and therefore have more of an external dimension). These four components of the UNRWA protection framework are as follows:

#### *Internal*

- (1) *Protection programming* – Ensuring that protection needs are addressed in all aspects of programming, project design, policies, protocols and procedures, as well as in staff training.
- (2) *Protection in and through service delivery* – Delivering services in a manner that promotes and respects the rights of beneficiaries and ensures the safety and dignity of beneficiaries and of UNRWA personnel.

#### *External*

- (3) *International protection* – Promoting respect for Palestine refugee rights through monitoring, reporting and intervening.
- (4) *A just and durable solution* – Highlighting to the international community the urgent need for a just and durable solution to the plight of the Palestinian people and that in its elaboration the rights and interests of the refugees should be safeguarded.

The following sections examine each of these four components and provide some examples of how UNRWA is incorporating protection under each.

### **3.1. Protection programming**

This component refers to everything that UNRWA does to ensure that protection needs are analysed and protection principles incorporated in all stages of programme cycle management as well as in staff training.<sup>23</sup> By incorporating protection principles and concerns throughout its programming and service delivery UNRWA believes it is better equipped to achieve its vision “for every Palestine refugee to enjoy the best possible standards of human development, especially:

- Attaining his or her full potential individually and as a family and community member;
- Being an active and productive participant in socio-economic and cultural life; and,
- Feeling assured that his or her rights are being defended, protected and preserved”.<sup>24</sup>

UNRWA has developed internal guidance in the form of a “*Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery*”, designed to help UNRWA personnel including managers, across all fields, to “effectively incorporate protection analysis and response into the assessment, design, monitoring and

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<sup>23</sup> For details on the UNRWA approach to programme cycle management see the UNRWA PCM Handbook, 2008.

<sup>24</sup> UNRWA Medium Term Strategy 2010-2015, para. 5. See also UNRWA, (2007), Interim Programme Strategy 2008-2009.

evaluation of programmes and projects”.<sup>25</sup> In addition, the tool helps all personnel to recognize protection concerns and understand their responsibility to react when they encounter situations where individuals and groups face protection threats. Thus the tool is an essential part of protection mainstreaming in UNRWA.

The standards contained in the tool relate specifically to protection in UNRWA programming and service delivery and were developed through extensive internal consultation, including with staff who directly interface with refugees. The tool is based on accountability tools already endorsed and in use by the humanitarian community - in particular the *Minimum Agency Standards for Incorporating Protection into Humanitarian Response* developed by an inter-agency group comprising Caritas Australia, CARE Australia, Oxfam Australia and World Vision Australia.<sup>26</sup>

The structure of the UNRWA protection standards tool follows the same format as UNRWA’s programme strategic framework, with a section of standards relevant to each of UNRWA’s four human development goals.<sup>27</sup> Each section consists of the following format:

- Identification of the primary legal instruments governing UNRWA’s protection work in that particular sector of operations.
- Identification of industry standards relevant to that sector.
- A bullet point summary of key protection concerns that may be encountered by personnel working on UNRWA programmes in that sector.
- A checklist of questions to help personnel review programme compliance with the standards.
- The minimum standards for incorporating protection into UNRWA programming and service delivery in that sector of operations.
- Key protection principles underlying each standard.
- Guidance notes for implementation of the standards.

The UNRWA minimum standards for incorporating protection into programming and service delivery are meant to provide a benchmark against which the extent to which any UNRWA programme or project has incorporated protection can be measured. To assist programmes in that analysis, UNRWA has also developed a tool to assess the degree of compliance with the protection standards. That tool contains indicators specifically designed to allow measurement of the degree to which programmes have incorporated key protection standards. UNRWA programmes provide input to the assessment through a combination of desk review, workshops with frontline staff and workshops and focus

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<sup>25</sup> UNRWA, “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery”. (UNRWA, unpublished internal document, 2010, p 1).

<sup>26</sup> Other accountability tools drawn on include the Sphere Project *Humanitarian Charter and Minimum Standards in Disaster Response*, the *Humanitarian Accountability Partnership (HAP) Principles of Accountability*, the *INEE Minimum Standards for Education in Emergencies*, the *Red Cross Code of Conduct* and the *Good Enough Guide*. Other sector-specific resources were utilised such as the *IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings*, *Interaction Protection in Practice: A Guidebook for incorporating Protection into Humanitarian Operations and Standards and Indicators in UNHCR Operations*.

<sup>27</sup> See the section in this article on ‘Protection in UNRWAs Medium Term Strategy’ for a description of UNRWA’s four human development goals.

group discussions with beneficiaries around their perceptions of the extent to which UNRWA programmes promote and respect their rights, safety and dignity.

As well as establishing a baseline against which to measure future progress, programmes use the result of their analysis as a tool to focus attention and support from within and outside the Agency in order to address the needs identified. Overall one of the most important outcomes of this process is to further develop an awareness of protection concepts and a protection way of thinking, or a ‘protection reflex’,<sup>28</sup> throughout the Agency.

### ***3.2. Protection in and through service delivery***

The next component of the UNRWA protection framework builds on the analysis provided for in the previous component and refers to the actual delivery of services in a manner that promotes and respects the rights of beneficiaries and ensures the safety and dignity of beneficiaries and of UNRWA personnel.

In addition to specific protection standards relevant to each sector of programming, UNRWA has defined six ‘common standards’ that are relevant to all UNRWA programmes.<sup>29</sup>

- 1) Safety and dignity
- 2) Targeted service delivery
- 3) Accessibility and impartiality
- 4) Participation
- 5) Coordination
- 6) Advocacy

When these common standards are met, UNRWA is able to:

1. Prioritise the safety and dignity of all beneficiaries and UNRWA personnel.
2. Include an analysis of protection risks as part of the context analysis addressed throughout the programme management cycle, so that services are targeted in a manner that promotes and respects the rights of beneficiaries.
3. Provide accessible services equitably and impartially based on assessment of need and vulnerability, reflecting the rights and capacities of beneficiaries, with a particular focus on vulnerable groups, in all stages of response.
4. Meaningfully engage Palestine refugees as partners in identifying and responding to protection concerns.

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<sup>28</sup> The term ‘protection reflex’ was used by Nicholas Morris to refer to staff being ‘alert to instances where the rights of individual refugees are threatened or violated, coupled with competencies and mechanisms to address those violations wherever possible’. Morris, N. (2008) “What protection means for UNRWA in concept and practice”, Consultancy report, para. 1.2 and 9.2.

<sup>29</sup> See section 1 of the ‘Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service delivery’, UNRWA (2010).

5. Recognize and respond appropriately to instances where the rights of Palestine refugees are threatened or violated by use of internal coordination mechanisms to prevent or address those violations whenever possible and have policies and procedures in place to govern external referral where appropriate.
6. Have policies and procedures in place to govern advocacy (monitoring, reporting and intervention) responses to protection concerns.

### *3.2.1. Safety and dignity - of beneficiaries & staff*

This is the most fundamental level of protection mainstreaming within UNRWA. As a major provider of public services, UNRWA has a strong responsibility to ensure that the manner in which its services are delivered respects the safety and dignity of beneficiaries and staff. It is, therefore, important for UNRWA programmes to identify and understand the nature, pattern and scope of threats to safety and dignity that may arise in relation to its service delivery and to take account of that analysis in planning and implementation. UNRWA is reinforcing the mechanisms by which all identified threats to safety and dignity of beneficiaries or staff are communicated internally to programme managers and protection focal points in each field. At a minimum UNRWA has an obligation to avoid jeopardizing people's safety when providing assistance, to be aware of any unintended negative consequences of the provision of assistance and to take action to mitigate against those consequences ('do no harm').

Some of the measures taken by UNRWA to ensure safety and dignity in its service provision are mentioned below:

- UNRWA is taking steps to ensure a violence free environment in all its learning facilities;
- UNRWA promotes knowledge of individual rights through a human rights and tolerance curriculum in its schools;
- UNRWA takes steps to prevent and respond to incidents of gender based violence and child abuse (see also section 4.2.5 on *Coordination – internal and external*);
- Partnership with the community is a vital aspect of UNRWA's approach to protection and the perspective of UNRWA beneficiaries is increasingly taken into account in the planning and implementation of services (see also section 4.2.4 on *Participation - of Palestine refugees as partners*).

### *3.2.2. Targeted service delivery - addresses specific protection vulnerabilities / rights*

This is the next level of protection mainstreaming and provides that UNRWA service delivery should target specific protection vulnerabilities. This may take the form of specifically targeted assistance or increased access to UNRWA core services for vulnerable individuals and groups: such as the provision of educational opportunities for children with special needs, inclusion in job creation programme activities for disabled persons, the provision of micro-finance loans to women entrepreneurs, food and cash assistance to the poorest, psychosocial counselling to persons traumatised by exposure to violence, etc. In order for this principle to be fully operationalised other protection principles must also be adhered to, for example accessibility and impartiality of UNRWA

services, participation of beneficiaries to the greatest extent possible throughout the programme management cycle, how UNRWA coordinates internally between departments as well as with external partners and how UNRWA advocates, where necessary, on these issues.

**Targeted Programming – Community Mental Health Response to Psychological Trauma**

UNRWA launched its Psychological Support Programme during the second *intifada* in 2002 to assist Palestine refugees in the Gaza Strip and the West Bank who had lost their ability to cope with the deteriorating conditions characterized by high levels of violence and economic decline. As the depth of service provided by the programme increased, it was renamed the Community Mental Health Programme (CMHP) in 2005.

Through specially recruited and trained counsellors (currently 189 in Gaza and 110 in West Bank) based in schools, health centres, social service centres and community based organizations, CMHP encourages the development of constructive coping strategies and promotes mental well-being. The programme also enables the vulnerable refugee population to make a positive contribution to the development of their communities.

In Gaza, research has indicated that the majority of Palestinian children report symptoms of distress. These problems include: lack or absence of motivation in school, fear, sleeplessness and inability to concentrate. The school based counsellors focus on promoting the mental health of all students and involving the community and teachers to address these behavioural issues. Children are given space to express themselves and receive the support of counsellors as well as peers. Children are provided with Mental Health Education Classes, where they learn basic life skills, including appropriate forms of communication, stress coping mechanisms and self-confidence building exercises. These structured exercises endeavour to provide pupils with the necessary tools to live a normal life in abnormal conditions.

UNRWA counsellors based in health centres, in UNRWA-supported community centres and women's centres, work closely with individuals, families and community based organizations on gender and child protection matters.<sup>30</sup>

**3.2.3. Accessibility and impartiality - of UNRWA service delivery**

UNRWA services should be accessible to all who have a right to receive them and be delivered impartially, based solely according to need, giving priority to the most urgent cases of distress and not on any consideration of special interest. Barriers to access may be internal to UNRWA (e.g. eligibility criteria, lack of information on rights to services, programme coverage, etc.) as well as external, linked to social, economic or political

<sup>30</sup> Adapted from 'Community Mental Health Programme', UNRWA Gaza Field Office available at <http://www.unrwa.org/userfiles/20100118151854.pdf>.

restrictions (e.g. poverty, disability, gender, restrictions on movement, etc). Vulnerable groups in particular may face economic, physical, cultural and social barriers in accessing the services and support that they are entitled to. By incorporating a protection analysis into programme cycle management, UNRWA programmes identify these barriers and contribute to diminishing them. Programmes must also provide clear information to all persons regarding their right to assistance and the means for them to access it. Beneficiaries living outside camp contexts should not be disadvantaged in terms of their access to UNRWA services.

#### **Access to Health Services**

Ensuring equity in access to health care can be particularly difficult in UNRWA's areas of operation. This is because of conflict, restrictions on movement and restricted entitlements of refugees in some host countries. In the 1950s, the Agency counted 91 health centres run by 75 doctors in its area of operations. Today, medical care services are provided through a network of 137 primary health care facilities, in which 449 physicians work. This significant presence on the ground has notably decreased the physical and economic barriers that preclude access to health care for Palestine refugees in most fields.

However, in the West Bank, access restrictions on patients and on UNRWA health staff, continue to be a major challenge to the provision of regular health care, including primary health services to Palestine refugees. These restrictions led to the activation, in 2003, of UNRWA Mobile Health Teams in the West Bank. These teams are composed of medical, nursing, and laboratory staff, as well as a pharmacist and offer a full range of essential medical services including immunization, control of communicable and non-communicable diseases and first aid treatment for conflict-related injuries. The objective of these teams is essentially to facilitate access to health services in locations affected by closures. However, the Mobile Health Teams continue to face restrictions when trying to reach the enclave areas of the West Bank between the Green Line and Barrier. These restrictions often preclude the particularly vulnerable groups that live in these areas from regular access to primary health care services.

Also, over the years, UNRWA health staff members in the West Bank, like other UNRWA staff, have been denied or delayed access to their work place due to movement restrictions and increasing demands at Israeli checkpoints for searches of UN vehicles, which contravene the 1946 Convention on the Privileges and Immunities of the United Nations. This complicates operational procedures and ultimately impairs the Agency's service delivery. It results in the loss of hundreds of person-days in work time each year and has significant economic repercussions for the Agency. UNRWA continues to intervene with the relevant Israeli authorities on these issues.

#### *3.2.4. Participation - of Palestine refugees as partners*

Meaningful participation means that the community is not just informed but integrally involved as partners with UNRWA throughout the programme management cycle. Community members have valuable knowledge and insight into their actual situation. Therefore the community should be involved to the greatest degree possible in prioritising and planning activities, as well as in the monitoring and evaluation of programme performance. It is important that the participation process includes the most vulnerable. The UNRWA Programme Cycle Management Handbook provides a detailed description of the management of participatory methodologies<sup>31</sup>. Meaningful participation can also have a beneficial affect on staff security in that it may alleviate some of the frustrations or misunderstandings that might otherwise lead to threats or attacks against staff members.<sup>32</sup>

**Participatory Approach: The reconstruction of Narh el-Bared Camp**

‘The planning and design work for the reconstruction of Narh el-Bared Camp represents an impressive model of civic participation, which began with the community’s own initiative to formulate their vision for the reconstruction of their camp. Through workshops, public discussions and interviews with displaced refugees, community activists, experts and UNRWA’s Design Unit, the community was able to take the lead in the decision-making on planning and reconstruction. This process included drawing up guidelines and street widths and community agreement to reduce the sizes of plots and the built area to allow for wider roads and pathways to improve light and ventilation. Each individual family was able to work with the architects to design their new homes based on their own specific needs and requirements, including for wheelchair access.’<sup>33</sup>

*3.2.5. Coordination – internally and externally*

This is one of the key elements for ensuring successful protection mainstreaming throughout UNRWA programmes and is an important step towards achieving an Agency-wide “protection-reflex”.<sup>34</sup> Clear internal reporting pathways must be established and all personnel who deal with beneficiaries must understand that it is their responsibility to report any incidences of abuse or neglect of refugee rights that they encounter, to designated focal points. Programmes must react to this information and provide an appropriate response that, to the greatest extent possible, addresses the specific protection threats identified. UNRWA personnel are particularly alert to respond appropriately to incidents involving child abuse or gender based violence. The principle of “do no harm” is again central to UNRWA’s response to threats and abuses and recognises that any response must not jeopardise the safety of the individuals concerned. In that regard

<sup>31</sup> UNRWA PCM Handbook, June 2008, Section 4.

<sup>32</sup> Further guidance on the use of participatory methodologies such as outreach and awareness raising activities, complaint/appeal mechanisms, participatory assessments and programme reform, as a means to prevent threats and/or attacks against Agency staff members can be found in the “Guidance on work-related threats or violence against UNRWA personnel and related responsibilities of the Agency and personnel” issued by UNRWA Department of Legal Affairs, (2009).

<sup>33</sup> Excerpt from ‘Reconstruction of Nahr el-Bared Palestine Refugee Camp’, UNRWA Lebanon Field Office, March 2009.

<sup>34</sup> See footnote 28.

confidentiality of information must be respected by all UNRWA personnel that have access to sensitive information relevant to protection issues. If UNRWA is not in a position to provide a comprehensive response then referral pathways should be established so that other specialist agencies with suitably qualified personnel may also respond. The aim of external referral should be to ensure that individuals whose rights have been threatened or violated can access the most appropriate support available.

**Internal and External Coordination – UNRWA’s Response to Violence against Women**<sup>35</sup>

UNRWA is aware that violence against women is prevalent and increasing in some locations. Hence, as part of its wider gender equality policy and protection of women UNRWA began to develop responses through, for example its Community Mental Health Programme, the network of 65 community-based Women’s Programme Centres, their Legal Advice Bureaus and the Equality in Action Programme. However, the need for a more comprehensive approach to violence against women has led UNRWA to adopt a multi-sectoral approach, building on existing services and partnerships, based on UNRWA’s wider protection policy and linked to the UN conventions and the UNiTE campaign.<sup>36</sup> It emphasises the need for flexibility in adaptation of the approach to different contexts, for example the experience of trauma and violence experienced by people in the Gaza Strip and the West Bank differs from those living in other areas.

***Steps in establishing the referral system***

Adaptation to the different field contexts is based on the following steps:

- i. Assessment of internal resources, capacities and competencies.
- ii. Mapping of external actors.
- iii. Establishment of a coordination mechanism.
- iv. Establishment of a follow up system.
- v. Development of a monitoring and evaluation system, and mechanisms for impact measurement and learning.

***Examples*** of how fields have adapted include:

*Lebanon:* a pilot intervention is underway in Tyr area where UNRWA staff are involved in detection and follow-up while the case management will be undertaken by external providers.

*Gaza Strip:* detection services and follow up are mainly through UNRWA’s existing services which include community mental health, legal advice through NGO legal aid bureaus, and social interventions by the relief and social services department. This approach includes a follow up and learning component.

*Syria:* the referral system is initiated through women programme centres, social interventions and follow up components such as legal aid, and a hotline.

<sup>35</sup> Extract from ‘Community of Practice in Building Referral Systems for Women Victims of Violence’, UNRWA Gender Series 01, July 2010.

<sup>36</sup> In 2008, the UN Secretary General launched the Campaign UNiTE to End Violence against Women, 2008-2015 with the overall objective to raise public awareness and increase the political will and resources for preventing and responding to all forms of violence against women and girls in all parts of the world.

*West Bank:* the broader Family and Child Protection initiative has initiated a community based response to domestic and family violence which is a participatory approach based on UNRWA's services in the camps. The initiative is working in partnership with other parties in building a Palestinian referral system including both official and private sector. The approach is drawing on lessons learnt from a child protection referral system developed with UNICEF, the Ministry for Social Affairs and BirZeit University.

*Jordan:* UNRWA collaborates closely with the national referral system.

### 3.2.6. *Advocacy (monitoring, reporting and intervention) - on behalf of beneficiary rights*

While UNRWA programmes and services mitigate the consequences arising from protection concerns, UNRWA also promotes respect of Palestine refugee rights by engaging directly or indirectly with the relevant authorities. This includes:

- Monitoring, reporting and intervening directly with authorities, either verbally or in writing, to prevent or deter violations and to pursue remedial or corrective action;
- Community awareness raising campaigns and interventions to help create and consolidate an environment and practices in which rights are respected;
- Engaging with bodies potentially able to affect protection outcomes, such as UN human rights mechanisms, e.g., treaty bodies, special rapporteurs, etc.;
- Advocacy at all levels, including privately and publicly through the media when appropriate and in coordination with NGO, civil society, and UN partners.

This aspect of UNRWA's protection response is discussed further in the following sections 4.3. on "International Protection" and 4.4. on "A Just and Durable Solution".

### **3.3. *International Protection***

This component of protection covers protection for which the primary responsibility lies with the host government, Occupying Power, or authority or entity exercising *de facto* control. This component is commonly called international protection. Its content for the work of UNRWA is determined by the specific problems faced by Palestine refugees as a result of neglect or deliberate undermining of their rights.<sup>37</sup> UNRWA, in coordination

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<sup>37</sup> It is not the purpose of this paper to provide a full analysis of the protection situation in all UNRWA fields of operation. That would require a separate paper. However, for the reader less familiar with all the contexts, the UNRWA MTS for 2010 to 2015 provides the following summary of the situation as of the end of 2009: "In Gaza, a regime of border closures that was intensified during 2007 brought public services, the private sector and the socio-economic situation to a state of near collapse. From 27 December 2008 to 18 January 2009, intensive armed conflict led to hundreds of civilian deaths and injuries alongside the wide-spread destruction of refugee homes, civilian and public infrastructure. Almost the entire refugee population was rendered aid-dependent. In the West Bank, the effects of the Israeli occupation, such as the tight regime of access restrictions, settlement expansion along with continuous low-level violence, imposes burdens on daily life that are becoming more permanent, more challenging and demeaning, and more costly to UNRWA and refugees. Intra-Palestinian tension and fighting has had further adverse consequences on the prospects for the occupied Palestinian territory (oPt). In Lebanon, the government has been supportive of efforts to improve the situation of refugees through action on identity documentation, employment and camp conditions. However, the lack of rights afforded to refugees continues to constrain their human development potential. Moreover, refugees in Lebanon are often directly affected by political crises or armed conflict, as demonstrated by the destruction of Nahr el-Bared in 2007, which led to the displacement of 31,000 refugees. In Jordan and Syria, the environment is more favourable to Palestine refugees, thanks to the willingness of the host governments to permit them civil and

with its partners in other UN agencies, the NGO community and government authorities, works to promote respect for the rights of Palestine refugees through monitoring, reporting and intervening. Interventions range from responses to specific problems, and preventative or remedial action, to action aimed at creating an environment in which rights are respected.

However, it is important to note, that while host countries (Jordan, Lebanon and Syria), Israel, and, to the extent that they exert control, the Palestinian Authority and Hamas in Gaza, bear the primary responsibility to protect Palestine refugees, the international community also bears a weighty responsibility. For example, one of the purposes of the UN under the UN Charter is “to achieve international cooperation in solving international problems of a ... humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. Further, Article I common to the Geneva Conventions, also enjoins State Parties to ‘respect and *ensure* respect’ for the provisions of international humanitarian law.

UNRWA’s public and private/bilateral advocacy efforts therefore take place at different levels: local, regional, national and international. UNRWA carries out these efforts through a combination of methods appropriate to each context. These include through direct dialogue with the concerned authorities (persuasion), through raising awareness of other stakeholders who may be able to exert an influence on the situation such as the diplomatic community, donors, UN human rights mechanisms (mobilization) or through public statements, public awareness campaigns and other forms of public communication (public advocacy). UNRWA works together with other organizations where appropriate, such as UNHCR, OCHA, OHCHR, ICRC and the NGO community; field and global level protection clusters; national human rights institutions; human rights groups; special rapporteurs; and other human rights bodies.

As stated earlier, it should again be emphasised that protection is not a separate element contained within service delivery or within international protection. Indeed all the components of the UNRWA protection framework are intrinsically linked and part of a whole. It is through our programmes that we interact with refugees, understand their situation and gather the information on which we intervene at the international protection level. The examples provided in the box, all of which involve UNRWA intervening either directly or indirectly with the authorities concerned, also emphasise the link between UNRWA’s operational response and its advocacy response.

**Protection in Action – Examples of UNRWA’s International Protection Work**

***2. Emergency Response During Armed Conflict, Gaza***

During the armed conflict in Gaza of December 2008 and January 2009:

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economic rights similar to those of their own citizens, or in Jordan’s case to grant them forms of citizenship.”  
UNRWA, Medium Term Strategy 2010-2015, paras 10-11.

- UNRWA provided shelter for approximately 50,000 people in UNRWA schools, and distributed food and other relief items to the affected population and provided first aid care to the wounded.

- Throughout the conflict, UNRWA also consistently and publicly, including in the media, called for restraint and for the respect of the civilian population.

Following the conflict:

- UNRWA supported 50,000 refugee families who had had their homes destroyed or damaged.

- It has continued to provide food assistance to 750,000 persons along with psychological support and counselling to those traumatized by the conflict.

- UNRWA continued to call for accountability for violations of international law committed by either side and for a complete lifting of the ongoing blockade of Gaza.

## ***2. Forced Displacement, West Bank***

Um al Khayr, in the southern Hebron hills of the West Bank, is a community of Bedouin refugees displaced from the Negev in 1948. The community purchased land at Um al Khayr and settled there in the early 1950s. During the 1980s, in contravention of international law which prohibits the transfer of populations into occupied territory, an Israeli settlement was established immediately adjacent to the Um al Khayr community. The refugee community is at risk of displacement for a second time due to repeated acts of violence by the settlers, home demolitions and, as the settlement expands, ever increasing restrictions on access to grazing and water resources. Several children in the community present signs of psychological stress and trauma such as speech defects and incontinence. UNRWA's response has included:

- provision of a mobile health clinic, psychosocial counseling and emergency cash and food assistance;

- a 'protection-tailored' job-creation project that established a kindergarten close to the community, which, as well as supporting livelihoods, provides a relatively safe environment for the children where they can play without fear of being attacked; and,

- direct interventions with Israeli authorities on behalf of this threatened community in particular with regard to maintaining access to their grazing and water resources.

### ***3. The Right to Work for Palestine Refugees, Lebanon***

Access to work for Palestine refugees in Lebanon has been severely restricted by both legal and administrative obstacles. Restrictions on the right to work limit livelihood options, exacerbate poverty and stifle hope for a better future.

- UNRWA provides direct and indirect credit to entrepreneurs to promote job opportunities, promotes linkages with potential job providers through employment service centres and the provides vocational training and scholarships for higher education.

- UNRWA has also engaged with the Lebanese authorities as an advocate on the right to work for Palestine refugees in coordination with the Committee for Employment of Palestine Refugees in Lebanon, the government sponsored Lebanese Palestinian Dialogue Committee, UN agencies and NGO community. These advocacy efforts made a direct contribution to the law amendment approved by the Lebanese Parliament on 17 August lifting former restrictions on employment for Palestinian refugees, who will now have the right to work in any field open to foreigners (with the exception of so-called ‘liberal professions’, such as doctors, lawyers, engineers, etc.).

### ***4. Hospitalization Care for 1967 Displaced Ex-Gazans, Jordan***

As in other fields, UNRWA provides primary health care to Palestine refugees, which in Jordan includes approximately 132,000 ex-Gazans. Unlike most other Palestine refugees in Jordan, ex-Gazans do not have citizenship and therefore do not have full access to all services provided by the State to citizens.

- Following discussions between UNRWA and the Jordanian authorities this population were provided increased access to specialized hospitalization care in State hospitals.

### ***5. Response to Gender Based Violence, Syria***

In Syria UNRWA supports community-based women’s organizations that address a wide range of activities designed to protect the rights of refugee women and girls. These activities include:

- raising awareness of domestic violence;
- providing women with spaces for social interaction and recreation; and,
- a newly-launched hotline that members of the public can call to receive legal advice and support, particularly on the subject of gender based violence.
- UNRWA has also contributed to the development, in partnership with the Commission of Syrian Family Affairs, of the draft of a new Family Protection Law.

### ***3.4. A Just and Durable Solution***

The overarching protection concern facing Palestine refugees, as for other Palestinians, is the right to and just a durable solution to their plight. This is key to the enjoyment of national protection and the realization of other rights. While the elucidation of that solution is for political actors to achieve, UNRWA’s role as a humanitarian and human development agency is to highlight the urgent need for a solution and to help ensure that

in its elaboration, the rights, views and interests of the refugees are heard and safeguarded. The Commissioner-General frequently reminds the international community of its role and the long overdue need in this regard.

**On the need for a just and durable solution:**

‘Negotiations to end the occupation and peacefully resolve the Israeli-Palestinian conflict are now more vital than ever – negotiations that are inclusive and balanced, that allow for refugee representation, and address, along with other final status matters, the question of Palestine refugees in a manner consistent with their rights.’<sup>38</sup>

‘... we must highlight the common matrix of rights and obligations at the centre of which stands the individual refugee whose inherent dignity and worth must be promoted and defended – not at the whim of State choices based on benevolence, foreign policy or security considerations – but as a matter of obligation under international law. And we must insist that Palestine refugees – like refugees elsewhere – be allowed to benefit from the full spectrum of international protection, including practical steps to prepare for a durable solution to their plight.’<sup>39</sup>

**On the need to give refugees a voice in any negotiated settlement:**

‘As things stand, assertions are made that the refugee issue will be resolved with no sign of a mechanism to ascertain the interests, views and preferences of refugees. From 1991 to the present, the search for a settlement has been marked by an array of agreements, plans, conferences and initiatives. [...] Where is the refugee presence in these processes? What is the refugee role? How can there be an attempt to resolve the refugee issue with no system in place to represent refugees? And how can a negotiated settlement be “just and durable” if refugees do not see themselves and their interests clearly reflected in its terms? The failure to take into account the refugee voice is tantamount to silencing it.’<sup>40</sup>

**On what a just a durable solution would entail for refugees:**

‘Besides a physical and psychological connection with a State they can call their own, there must be restitution for refugee properties lost, adequate compensation for that which was destroyed, assistance and support for reintegration and justice under the law for the grave infringements perpetrated against them as refugees.’<sup>41</sup>

<sup>38</sup> (extract from a statement by the Commissioner General of UNRWA to the United Nations Security Council, 27.01.09, available at: <http://www.unrwa.org/etemplate.php?id=59> ).

<sup>39</sup> (extract from a lecture by the Commissioner General of UNRWA at the American University of Cairo, 14.12.2009, available at: <http://www.unrwa.org/etemplate.php?id=310> ).

<sup>40</sup> Extract from the Cyril Foster lecture by the Commissioner General of UNRWA at Oxford University, 27.11.08, available at: [http://www.un.org/unrwa/news/statements/2008/oxford\\_27nov08.html](http://www.un.org/unrwa/news/statements/2008/oxford_27nov08.html).

<sup>41</sup> Extract from the Edward Said lecture by the Commissioner General of UNRWA at Princeton, 06.05.08, available at: [http://www.un.org/unrwa/news/statements/2008/SaidPrinceton\\_6May08.html](http://www.un.org/unrwa/news/statements/2008/SaidPrinceton_6May08.html) .

#### **4. Structure and Staff**

At the headquarters level the overall responsibility for deciding the Agency protection strategy and priorities lies with the Commissioner General. He is advised by a Senior Protection Coordinator (SPC), who, as the Agency focal point on protection issues, is responsible for the development of Agency-wide protection policies, procedures and strategy. S/he ensures that these reflect best practices and are reviewed on a regular basis. The SPC coordinates closely in this regard with the Field and Programme Directors, the Department of Legal Affairs, the Programme Coordination and Support Unit and other relevant departments. The SPC is also responsible for the development and support of protection activities and implementation plans at the field level, specifically through field staff entrusted with responsibility for protection. The SPC is also responsible for identification of protection training needs of UNRWA staff and the development, with input from other UN agencies and other institutions, of training modules to meet those needs.

The overall responsibility for protection in each of UNRWA's five fields of operation lies with the Field Director. However, UNRWA has protection coordinators/officers or protection focal points, working in all five fields. They have responsibilities at the field level broadly similar to those of the SPC at headquarters level. They are responsible for supporting department and programme chiefs in identifying their respective protection priorities, coordinating protection efforts, defining UNRWA's response and advising the field director accordingly. In fields facing the most significant protection challenges, currently, Gaza, Lebanon and the West Bank, this is a dedicated function. In Jordan and Syria, the staff members with the protection coordination function also have other duties. In both cases those duties are compatible with the main focus of protection through service delivery relevant to the protection needs identified in Jordan and Syria, e.g, work on programme support, gender, youth, poverty, etc.

In all five fields, the field protection coordinators have the overview of the field's protection needs and thereby have the responsibility for advising on programming and advocacy initiatives relevant to the field and in line with the Agency protection approach. However, protection in UNRWA is a cross-cutting theme, which relies upon all programmes to implement. All departments are therefore involved in the protection effort. Indeed UNRWA's approach to protection relies on a line management responsibility that involves all staff members, from the frontline personnel most likely to encounter protection issues affecting the rights of Palestine refugees in their day to day work, such as teachers, counsellors, doctors, nurses, midwives or social workers, through the heads of installation to the area officers<sup>42</sup>, to the field chiefs of programme and field director and to headquarters. Reflecting the cross-cutting nature of UNRWA's protection response, several fields have established internal protection working groups with protection focal points from each programme represented.

In Lebanon, Gaza and the West Bank, UNRWA has a valuable resource in the Operations Support Officer (OSO) programme. Nicholas Morris described these staff members as

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<sup>42</sup> Area officers in UNRWA are locally based managers responsible for overseeing operations of all programmes in a particular geographic area.

“roving international protection officers.”<sup>43</sup> Amongst other duties, the OSOs play a vital role in these three fields in monitoring and reporting on operational issues linked to the protection of beneficiary rights. Much of the information provided is used internally by programmes to improve aspects of service delivery. In Gaza for example, OSOs work closely with programmes on initiatives such as “Schools of Excellence”,<sup>44</sup> “Summer Games”,<sup>45</sup> “Excellent Health Services”,<sup>46</sup> “Equality in Action”,<sup>47</sup> etc. All of these initiatives address issues which impact on the human-rights of Palestine refugees.

### **Protection Role of the Operational Support Officer Programme in the West Bank**

In the West Bank, OSOs are involved in monitoring and reporting on a variety of protection issues, these include:

i) the impact on communities affected by the West Bank Barrier. For example, OSOs are present on a daily basis at the Barrier gates that should allow farmers from the village of Biddu, near Ramallah, to access their lands on the other side of the Barrier. The OSOs intervene on an almost daily basis, with the Border Guards and Israeli Civil Administration, either on the spot or up the chain of command, in order to maintain the farmers’ access to their lands.

ii) the impact of ongoing forced displacement of Palestine refugees in the West Bank, including East Jerusalem. This is often triggered by events, either singly or in combination, such as home demolitions, forced evictions, closure and permit regimes, lack of access to services in enclaves, military operations, settlement expansion and accompanying settler violence, restrictions on movement, expanding militarized zones and nature reserves and associated lack of access to grazing and water sources for Bedouin and herding communities.

iii) the impact on communities, families and individuals of violence in West Bank refugee camps often associated with incursions by Israeli security forces.

All of this information then informs both the programmatic and international protection responses. The “*protection in and through service delivery*” aspect of the response

<sup>43</sup> Morris, N. (2008) “What protection means for UNRWA in concept and practice”, Consultancy report, pp.9 para. 8.6.

<sup>44</sup> The *Schools of Excellence* initiative in Gaza is working to increase academic standards, improve behaviour, and promote universal values in UNRWA’s schools. Through *Schools of Excellence*, UNRWA implements a summer learning programme for those failing in Arabic and Mathematics; teaches a dedicated Human Rights curriculum; promotes *Respect and Discipline* in its schools; provides additional assistance to students most in need through its *Special Children, Special Needs* and *Overaged Student* initiatives and enhances the quality of teacher training in Gaza.

<sup>45</sup> Since 2007, UNRWA has organised *Summer Games*, the largest youth recreational initiative in Gaza. *Summer Games 2009* attracted 250,000 youth who took part in diverse activities, providing them with new skill sets and the opportunity to enjoy and express themselves. With kites they made during the Games, Gaza’s children broke the Guinness World Record for the number of kites flown simultaneously.

<sup>46</sup> The *Excellent Health Services* initiative is working to lengthen the duration of patient consultations, improve prescription practices, computerize data management, improve school health services and enhance health education.

<sup>47</sup> The *Equality in Action* initiative is designed to address the needs and wishes of Palestine refugee girls and women by: providing social and recreational spaces and IT centres; enhancing the skills of women to improve for their access to and opportunities in the labour market; raising awareness about domestic violence and providing women with the skills to prevent it and protect themselves; and building the capacity of organisations in Gaza that work on women’s issues.

includes cash assistance for damaged property or rental subsidy in the case of complete home demolition, psychosocial counselling, medical assistance, community mobilization and outreach, targeted job creation programme activities, etc. The “*international protection*” aspect of the response may include, depending on the strategy identified, verbal and written interventions submitted directly to the authorities concerned, mobilization of the international community through briefings and field visits provided to the diplomatic community, donors, etc either directly on the spot or through information provided via UNRWA liaison offices in Geneva, Brussels and New York, it may also include input into UN human rights mechanisms and, if appropriate, public advocacy.

From these examples it can be seen that UNRWA’s response, by not only addressing the needs arising from a situation of insecurity but also addressing the causes of that insecurity, requires the involvement of many programmes and support departments. The programmatic response may involve all of UNRWA’s core programmes, Relief and Social Services, Health, Education, Infrastructure and Camp Improvement and Microfinance as well as Community Mental Health and the Job Creation Programme. The advocacy response will involve various support departments both at field and headquarters level, including legal, public information, external relations and, depending on the level of intervention required the executive office and the statements of the Commissioner General.

### **5. Some Challenges and Lessons Learned**

Protection takes time to operationalize and that effort in UNRWA is still very much an ongoing process. Internally it has been important to have staff understand that UNRWA has a clear protection mandate, to have a common understanding of what protection means, to have an operational definition of protection and tools to help programmes incorporate protection into programming and service delivery. The Morris report of 2008 was an important step in crystallising the understanding of protection for UNRWA purposes.

It is also important that the SPC, as a member of the Commissioner General’s Office, is located at the centre of the Agency. This reflects the importance that UNRWA ascribes to the subject of protection and has had significant added value in the effort to operationalise protection. The emphasis on protection at UNRWA has also been helped by the strong support for protection provided by both the current and previous Commissioner Generals.

Given UNRWA’s operational character and the nature of the challenges faced by Palestine refugees the entry point for UNRWA’s approach to protection has been mainly through its programming. Dedicated protection staffing at headquarters and field level and an adequate budget line to roll-out protection have also been important. First the Swedish government and then the General Assembly gave important support to the SPC position. At the field level the appointment of dedicated staff and the creation of crosscutting protection working groups with regular meetings have been important developments.

An important step in the institutionalisation of protection in UNRWA was its inclusion in key strategic planning documents. A clear signal as to the commitment of the Agency in this regard, was the inclusion of protection in the MTS for 2010 to 2015 as one of the four human development goals and as a cross-cutting issue across all goals. This followed the inclusion of an analysis of protection threats in each field as part of the Field Needs Assessments (FNAs) conducted in 2008, which in turn informed Field Implementation Plans (FIPs) and departmental Headquarters Implementation Plans (HIPs), drawn up for the for the period 2010-2011.

For the future, UNRWA needs to work hard to ensure that protection becomes more deeply embedded in the way the Agency functions and the way UNRWA staff react to protection threats as well as how they interact with beneficiaries. In the next round of FNAs, better facilitated needs assessments should ensure that protection threats are more systematically identified and incorporated in the associated FIPS and HIPs. More effort also needs to be made to ensure that UNRWA beneficiaries participate in as meaningful way as possible throughout the programme management cycle.

More needs to be done internally in the provision of protection training, both at the technical level for staff involved in the design and management of programmes, as well as awareness raising for all staff on their responsibilities with regard to protection, particularly those who come into contact with beneficiaries. The fact that UNRWA has been doing protection from the beginning and staff are already involved in protection activities in their day to day work has been an important message for staff to understand. This has helped smooth the way for a more systematic operationalisation of protection. Many UNRWA front-line staff, such as doctors, nurses, social workers, etc, already have a “protection reflex” and it has been important internally to build on existing skills. This collaborative approach was also essential when developing and introducing the “Tool for Incorporating Minimum Standards into UNRWA Programming and Service Delivery” as well as when dealing with the most sensitive protection issues.

The sensitive nature of the subject matter of protection inevitably means that some issues will be difficult to deal with, or even almost taboo to begin with. For example, the subject of gender based violence used to be a ‘no-go’ area for UNRWA in several fields, but is now being addressed by UNRWA across all fields. Of course, this change has come about not only because of changes internal to UNRWA, principally the appointment of a Gender Advisor and identification of gender focal points at field level, but also due to developments in host countries, changes in attitude of civil society and the focus of local NGOs. The issue of violence in schools and the use of corporal punishment is another example where UNRWA is engaged across all fields and will continue to assert a zero tolerance policy.

UNRWA’s approach in the transition from taboo to action has been to build on the capacities already present within UNRWA, to strengthen internal reporting and coordination mechanisms as well as external referral pathways and to better engage with the community and local NGOs. Indeed, mapping protection partners and establishing good external networks will be key going forward. While the depth and scope of

UNRWA service delivery means that UNRWA can do a lot, there are other actors who can be more effective, have specific expertise, or are better placed to take certain types of action.

The Morris report of 2008 recommended that “*in addition to field-level interventions, UNRWA should make increased use of the UN human rights system, concentrating on those mechanisms whose findings and observations carry most weight.*”<sup>48</sup> The MTS also notes that “UNRWA has an important role to play in ... reporting to bodies potentially able to affect protection outcomes”.<sup>49</sup> Indeed, the international human rights system represents an important avenue for UNRWA to raise awareness of the situation of Palestine refugees and UNRWA should make better use of it including by virtue of its expertise on the matter. In the past, on an *ad hoc* basis, UNRWA did report to some treaty bodies, e.g. the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination Against Women, the Universal Periodic Review (Lebanon) and has also interacted with the special rapporteur on the situation of Human Rights in the Palestinian territories. For the future, this contribution should be more systematic and provide a more predictable, timely and consistent intervention on protection priorities. UNRWA recognises the need to avoid duplication and will carry out this action in close consultation and coordination with other UN agencies, e.g. OHCHR, OCHA, UNCT, etc.

In developing tools for protection UNRWA has not tried to reinvent the wheel and, in a climate of limited funding, has chosen instead to adapt already existing tools for use in the UNRWA context. The “Tool for Incorporating Protection Standards into UNRWA Programming and Service Delivery” was adapted from a tool developed and currently being field tested by the Australian branches of Care, Caritas, World Vision and Oxfam. UNRWA has also appreciated the cooperation of WFP, in exchanging experiences, allowing UNRWA to participate in WFP protection workshops and in sharing the protection training materials it has developed, much of which can also be adapted to the UNRWA context.

Some of the protection initiatives referred to in this article do not require significant additional resources as they are addressed, to a large extent, by strengthening internal mechanisms to provide a comprehensive response from services that are already available (e.g. needs assessments that incorporate a protection analysis, internal coordination, external referral, participation, etc). However, many of the protection needs identified by UNRWA do have significant budgetary consequences. For example, the provision of safe infrastructure at UNRWA installations and improved access to services for specific vulnerable groups requires financial resources. Also, to further strengthen the capacity of UNRWA staff to enable them to provide quality services that ensure the protection of Palestine refugees will require additional financial and technical support. UNRWA is largely dependant on voluntary funding and, for a number of years, has faced a severe budgetary crisis that poses a major challenge to the Agency’s ability to meet the

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<sup>48</sup> Morris, N. (2008) “What protection means for UNRWA in concept and practice”, Consultancy report, pp. 4, Recommendation 3..

<sup>49</sup> UNRWA Medium Term Strategy 2010-2015, para. 114.

protection needs identified. However, it is to be hoped that donors will recognise the value of protection as a key element to ensuring UNRWA is more systematic and holistic in its approach and thus help to secure funding the Agency needs to achieve the best possible standards of human development for Palestine refugees.

## **6. Conclusion**

The protection needs of Palestine refugees are huge. UNRWA is responding to those needs in accordance with its mandate to deliver vital services in education, health, relief, social services and microfinance, and to protect and advance the rights of Palestine refugees. UNRWA is, first and foremost responsible for ensuring that its own service delivery provides for the safety and dignity of refugees and adheres to international standards and best practice.

UNRWA further provides protection to refugees through the provision of core services as well as through targeted assistance to address specific vulnerabilities of individuals and groups. These efforts go hand in hand with monitoring, reporting and intervening, either directly or indirectly to the authorities that have the primary responsibility to protect refugees. These advocacy responses may be targeted for vulnerable groups or may address specific events or abuses committed against individuals.

The overarching protection need is for an end to the occupation and for a just and durable solution to the plight of the Palestinians that incorporates the rights and viewpoints of Palestine refugees. UNRWA will continue to advocate at the highest levels for that solution and will continue to serve the human development of Palestine refugees until it is reached.

END