



UNHCR
The UN Refugee Agency

UNHCR PROTECTION SUPPORT MISSION COX'S BAZAR, BANGLADESH



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The mission team members included Alistair Boulton, Gregory Garras and Hanan Tabbara from UNHCR, and Manisha Thomas from the Women's Refugee Commission. UNHCR wishes to thank all who took the time to share perspectives with the mission team. A particular thanks goes to the Women's Refugee Commission for taking part in the mission.

Introduction

It has been eleven months since the massive influx of Rohingya refugees into the hilly and impoverished region of Cox's Bazar in Bangladesh began. The pace of arrivals has slowed from thousands of people per day to about 8,000 between January and May 2018. The humanitarian operation has had no chance to take a step back and reflect, however, as the monsoon season has arrived, bringing with it the prospect of extreme weather, destruction of property and potential loss of life.

Despite multiple challenges, many aspects of the protection response in Cox's Bazar are exemplary. The most striking recent development in this respect is the Government of Bangladesh's agreement to conduct with UNHCR a comprehensive verification of the refugee population and to issue family cards as well as identification cards to individuals 12 years or older. Going forward, this complex exercise will need to be carefully planned with all stakeholders.

The quality and depth of the protection response, however, remains uneven across sites. Where it has fallen short, the anomalous nature of the overall response and coordination arrangements, the unfamiliarity and inexperience of many actors with refugee contexts and refugee protection, and the specific restrictions on the staff and activities of some protection actors are important contributing factors.

The mission, initiated by UNHCR, was composed of one NGO representative from Women's Refugee Commission and three UNHCR participants. The mission met with colleagues from UNHCR and humanitarian actors as well as refugee men, women and youth during an intensive six-day period in Cox's Bazar and Dhaka. The timing and limited duration of the mission unfortunately meant that several key stakeholders could not be met.

The mission report is organized around a set of five overarching, high impact areas of recommendations, followed by additional observations on specific protection themes.

The gaps identified in the report and the recommendations for redressing them are not confined to UNHCR's protection efforts, but to the overall protection response. They are made while recognizing that the information available to the mission, like that to protection actors on the ground, is limited. With more than one actor responsible for different aspects of protection and different geographic areas, the mission was repeatedly confronted with the difficulty that the lack of comprehensive protection information posed to those responsible for coordinating the protection response.

Key Recommendations

1. Lights, Locks, and Latrines

Corrective action is required to remedy the lack of locks, lights and appropriately segregated hygiene facilities.

So much has been discussed, workshopped and written over the past few decades about the essential role that site layout and infrastructure design play in providing the most basic foundation for the protection of refugee communities. Protection cannot be an add-on. It has to inform the layout and management of sites and infrastructure, as well as all humanitarian programming. While the topography and space constraints in Bangladesh pose significant obstacles to many aspects of sound camp layout, it is difficult to understand why basic aspects of a sound protective layout and infrastructure have, in many instances, been overlooked in Bangladesh.

Key protection considerations, including, first and foremost, the systematic involvement of refugees in the planning of infrastructure, segregating toilets and bathing facilities, and providing them, as well as shelters, with locks that can be secured from within, and strategically placed solar lighting appear to have been treated in many sites as optional extras that can be retro-fitted after the fact. Where they do not exist, **camp level plans to bring infrastructure up to minimum standards with respect to lights, locks and latrines need to be urgently developed and implemented. At the same time, a reflection needs to be undertaken by the responsible technical sectors about how these fundamental omissions took place so corrective measures can be taken.**

2. An Operational Plan Underpinned by Protection

Develop an operational plan underpinned by protection with partners, which includes essential protection infrastructure, review of how sectors are incorporating the response's four pillars of protection and enhanced protection coordination in the refugee sites, Cox's Bazar, and Dhaka.

The lack of protection considerations in various sectors continues to have an adverse impact on the safety of refugees. In addition to infrastructural oversights – such as the lack of lights, locks and segregated hygiene facilities – refugees and others also highlighted the lack of activities for youth, the lack of access to vocational training and livelihoods opportunities, and safe means by which to collect firewood as factors compounding their vulnerability. The hilliness of the sites and the significant distances within them make it difficult for many refugees, particularly older people and people living with disabilities, to access services.

The overall response remains siloed by sectors, with a complicated coordination structure and unclear accountabilities for protection. More than one interlocutor noted that many sectors seem to be working in a “protection void.”

A protection framework, which underpins the March-December 2018 Joint Response Plan (JRP), underscored the importance of all actors putting protection at the centre of the humanitarian response.¹ It is critical for all actors to come together at this mid-term juncture to critically review how each of the sectors is currently incorporating the

¹ The four pillars of the protection framework in the JRP are: 1) Securing the identity of refugees through registration and documentation; 2) Strengthening the protective environment for refugees through improved access to information and services of national systems; 3) Addressing critical living conditions in refugee settlements to reduce protection risks of vulnerable refugees, promote alternatives to potentially harmful coping mechanisms and improve social cohesion; and 4) Preparing for durable solutions in the short- and mid-term by promoting refugee self-reliance, and by working with development actors alongside central and local government authorities.

four protection pillars of this jointly-agreed framework in their response and to identify and prioritize any needed changes.

An operational plan to complement the protection strategy in the JRP is needed to ensure that protection is fully incorporated across the response. The mid-term review of the JRP Protection Strategy provides an ideal opportunity to take stock of and agree among protection partners and all sectors the priority actions needed to create a more protective environment in the sites. In developing such a plan, **mapping the “essential protection infrastructure”² required in all sites will help to identify both redundancies and gaps to be filled.** The mapping should involve government and all other relevant actors and aim at a realistic template of protection infrastructure *essential in each site.*

Linked to the development of this operational plan is the need to **enhance protection coordination at all levels: in the refugee sites, in Cox's Bazar, and in Dhaka.** It was observed by more than one interlocutor that while there are many coordination meetings, coordination itself remains a gap, with organizations announcing what they are doing rather than what they are planning and implementing together to minimize gaps and avoid duplication. With 26 sites plus extensions, coordinating protection responses in detail is only possible at camp level. For example, coordinating messaging on protection-related issues and ensuring full coverage of the sites by the numerous outreach teams can only be effective at camp level (*see further below under Accountability to Affected Populations*).

The recent introduction of the multi-organizational camp-level protection focal point system offers an encouraging way forward in this respect. **These focal points should be supported by all stakeholders to work closely with existing camp level coordination structures to avoid a siloed approach.** The improved camp level protection coordination should feed strategic and overarching issues to the Protection Working Group (PWG) in Cox's Bazar. The PWG currently provides essential information, but it could helpfully evolve to take on more coordination functions, in an inclusive manner. **Creating a smaller, representative task force within the PWG committed to working closely with UNHCR could help bring about this more inclusive and strategic approach.**

Strategic protection issues that cannot be resolved in Cox's Bazar are referred to Dhaka level where they can be raised with the appropriate stakeholders, including government representatives. The working-level forum for protection discussions in Dhaka is currently limited to UNHCR and its implementing partners. **Consideration should be given to expanding these working level discussions to include other operational partners to facilitate the broadest possible understanding, agreement and advocacy base for addressing identified issues.**

² A blanket term used to refer to all forms of protection intervention, from ‘hard’ infrastructure such as community centers, to ‘soft’ infrastructure, such as referral pathways or communication channels.

3. Representative and Accountable Governance in the Sites

There is an urgent need to transition to representative and accountable camp governance based on proven models for refugee contexts.

By all accounts, current camp governance, which relies heavily on the *majhi* system of appointed refugee leaders, presents significant protection challenges. *Majhis* were introduced in Cox's Bazar during the 1991-92 influx, when the Bangladesh Army selected Rohingya male leaders to act as direct focal points between the refugee population and government decision makers. Owing to widespread protection concerns including reports of abuse of power, exploitation and corruption, the system was abolished in 2007, and it was replaced, in the registered sites, by elected representatives organised in camp and block committees. In the 2017 emergency, the *majhi* system was revived when the army appointed new *majhis* on an ad-hoc basis to help manage the new refugee influx.

Today, *majhis* are the unelected spokespeople for the Rohingya communities in Cox's Bazar. They do not have clear or codified roles or responsibilities. Their remits vary from camp to camp. Some *majhis* have taken it upon themselves to mediate disputes and to administer justice, at times in contravention of humanitarian and human rights principles. **This has given rise to a system that is unaccountable, unrepresentative and with significant negative implications for protection.** Some of the concerns expressed by protection actors and refugees included allegations of *majhi* involvement in extortion, diversion of aid, sexual exploitation, and human trafficking. Discontent with *majhis* has led in some cases to violence.

While there appears to be agreement amongst stakeholders on the urgency of addressing the challenges of the present camp governance system, there is much discussion but no agreed approach across the twenty-six sites on how this ought to be done in a coordinated and uniform manner. In early 2018, UNHCR Bangladesh issued a guidance paper which outlines a camp governance model that is community-focused and inclusive of women, men and youth. The model, which has proved to be effective in other refugee situations and has been endorsed by the Refugee Relief and Repatriation Commissioner (RRRC), was recently, successfully applied in the Shal Bagan camp in Nayapara. **The approach described in the guidance represents a sound basis for moving forward with elections across all sites. All concerned actors should come together as soon as possible to agree on a plan to further implement elections using this government-endorsed methodology. Failure to act in a timely and decisive manner on this key issue will come at a further cost to refugee protection.**

4. Addressing Constraints on Humanitarian Space

Limitations on humanitarian space need to be addressed in a more concerted and protection-centric manner.

The protection response in Cox's Bazar is undermined by the difficulties confronting non-UN actors endeavouring to provide protection services, which have not been designated by government as "lifesaving". While there have been significant efforts on the part of the UN to facilitate dialogue with the government and to ease restrictions on international NGO registration, visas, and FD7s (the category of permission required for NGOs to undertake emergency projects for refugees), many NGOs are still confronted daily by a thicket

of regulations and procedures in order to be able to implement programmes. For example, once an FD7 is approved, there are still several further steps to be undertaken at both district and camp level before items can be delivered or used in a camp – with the risk that items can be rejected just before entering a camp.

Because of these regulatory issues, NGOs doing protection work are overly reliant on UN funds, which some NGOs feel has the potential to create unhealthy power dynamics. In addition, as protection is not officially designated as life-saving by the government, it has been difficult for many INGOs to bring their long-standing expertise on protection to the response or to help build the capacity of some national NGOs that are new to a refugee response and may not be familiar with refugee protection principles and approaches.

Efforts by the UN and donors to address this important issue at all levels should continue to help facilitate the ability of INGOs to deliver protection programmes in a timely manner and to help build protection capacity across the response. Investing more in working with concerned government offices to engender a deeper understanding of the central role that protection plays in fostering stability and social harmony within, and between, host and refugee communities is an aspect to be considered in this regard. At the same time, **INGOs and other actors must commit to bringing in an increased number of experienced senior staff, with refugee protection understanding, to address concerns raised in the management of programmes hitherto by inexperienced staff.**

5. Accountability to Affected Populations

Coordinate, consolidate and rationalize Community-Based Protection initiatives on a camp-by-camp basis, including for reporting and responding to sexual exploitation and abuse.

A number of organizations present in Cox's Bazar, including protection actors, have invested heavily in establishing mechanisms aimed at providing channels for refugees to receive information, report protection and other problems, lodge complaints and receive feedback in relation to individual concerns, as well as issues of concern to the broader community. These initiatives, at various stages of implementation, include hotlines, "static" facilities such as help desks, community/women's/children's spaces, complaints boxes and mobile teams of community outreach volunteers dealing with a wide range of issues, including health, WASH and SGBV response.

Building these mechanisms, and ensuring that refugees trust and utilise them, is a labour-intensive undertaking, requiring expertise, extensive training, monitoring, and time. It is difficult to overstate the importance of these Community-Based Protection (CBP) initiatives in the establishment of a protective environment for refugees in Cox's Bazar. That said, **it is essential that all concerned actors come together constructively to coordinate, rationalize and consolidate the myriad (CBP) initiatives on a camp-by-camp basis.**

CBP actors also play a key role in the prevention and response to sexual exploitation and abuse. The recent adoption by the Strategic Executive Group (SEG) of an inter-agency strategy on the prevention of sexual exploitation and abuse by humanitarian workers is welcome. Continued strengthening of coordination at camp level on awareness raising and complaints procedures is essential. While the team was advised that some actors

have taken extensive internal measures on Protection from Sexual Exploitation and Abuse (PSEA), **to ensure that all actors involved give this issue top priority, PSEA should be a standing item on the agenda of the coordination meetings of all sectors. Organisations should also come together at the Inter Sector Coordination Group (ISCG)**

level to identify training needs and agree on a common, shared resource strategy to meet these. While humanitarian organizations can carry out administrative investigations, without recourse to the judicial process to ensure criminal investigations where appropriate, there is a very real risk that perpetrators will be recycled within the system.

Other Observations

Protection Capacity Building

Across the response, it is clear that many actors lack sufficient knowledge of protection principles, particularly as these relate to the work of individual sectors. In line with the protection framework, all sectors and organisations have clear responsibilities to ensure protection mainstreaming throughout all programmes. **Further protection capacity building is needed for all partners, as is an increased emphasis on engaging staff with more protection expertise.** Critically, this capacity building and exchanges on best practices should also include all relevant government officials, particularly officials working at camp level.

Despite concerted efforts at the ISCG level, as noted earlier in this report, the evidence on the ground continues to reflect the fact that many sectors lack implementation informed by protection considerations. **While protection must remain fully engaged at the ISGC, the most effective way to supplement protection mainstreaming at the PWG and ISCG levels in the Bangladesh operation potentially lies in the newly established protection focal point system at camp level. All concerned should come together to make this newly agreed system a success.**

SGBV

While there has been major progress in the past months in many sites in putting in place SGBV prevention, mitigation and response mechanisms, adequate coverage across all sites remains elusive and, where present, the quality of SGBV service delivery remains decidedly uneven. In theory, all camp residents have access to health response services, although with varying degrees of ease. A much smaller percentage of the population has access to specialized Mental Health and Psychosocial Support (MHPSS). While limited legal aid is available to SGBV survivors wishing to pursue a case in court, huge court backlogs, uneven application of national systems and procedures by the responsible authorities and other issues mean that the legal pathway in most cases is simply not a viable option.

In terms of the major challenges faced, SGBV service providers cited the limited number of staff with established SGBV expertise, low capacity in newly recruited staff, and high staff turnover as some of the key ones. Government restrictions on protection actors have, according to those concerned, limited the ability of INGO SGBV actors to fully address these. Additionally, data on SGBV remains uneven, owing in part to challenges regarding data management and sharing amongst SGBV actors. Data challenges notwithstanding, key actors agree that intimate

partner violence perpetrated against women, many involving drug use by the perpetrator, and child marriage are the most prevalent SGBV issues in the sites.

Reaching consensus among key protection actors over what constitutes “essential protection infrastructure” per site, including essential SGBV services, may be a helpful way to make the argument to government for additional staffing and programming.

Meanwhile, the ongoing SGBV capacity building initiative being undertaken by some agencies should continue. **Longer term initiatives to strengthen access to justice and law enforcement capacity in the refugee hosting areas of Bangladesh are also critical and are appropriate as an area of priority focus for development actors.**

Human Trafficking and Drugs

As has been extensively documented, well organized and resourced transnational criminal networks operate in Cox's Bazar. With no viable alternatives, it is no surprise that refugees would easily fall prey to the financial allure of the drug trade, the false promise of a job offered by a trafficking network, or the temporary escape of drug use. Several organizations are carrying out audio and visual messaging campaigns warning refugees of the profound risks associated with trafficking and involvement with drugs. **These campaigns, of uneven quality, should be improved, be strengthened and be better coordinated through improved camp protection coordination. In this respect, the recent agreement between IOM and UNHCR to work jointly on awareness raising on these issues is a very positive development which can be built on. Both organizations should work collaboratively with other actors on the formulation of messaging, as well as monitoring to understand trends and ensure appropriate responses.** Response mechanisms established by SGBV actors are also available

to survivors of trafficking who come forward seeking assistance, as are other channels through which family members can report cases and seek assistance. To date, relatively few have done so according to protection actors.

While humanitarian actors have a role to play with regard to these difficult issues, it must be clearly stated that many key aspects of dealing effectively with these very serious and complex protection challenges are beyond the capacity of the humanitarian community to address.

With the government's agreement, UN and other actors with expertise in the areas of human and drug trafficking, notably UNODC, should be encouraged to establish a presence in Cox's Bazar.

Gender Equality

The protection challenges in the Rohingya response - ranging from sexual and gender based violence, trafficking, as well as access to facilities, services and safety in the sites amongst others - have a particularly gendered impact. For women and adolescent girls specifically, the inhospitable topography and long distances, combined with concerns over safety, restrictions on freedom of movement, and discriminatory gender norms have a disproportionately negative impact on their access to assistance and services. With few exceptions, as highlighted earlier, the current camp governance is problematic for a number of reasons, including for its failure to include women in decision making processes and community decision making.

Among the refugee women we spoke to, **women-friendly safe spaces were noted as key for accessing information and support, as well as for revitalizing and building social networks.** To address access gaps, it is vital that **regular consultation with refugee women and girls, gender analysis and a better understanding of the social context informs**

service provision across all sectors, which has not been the case to date. Actors should also continue to strengthen a transformative shift in discriminatory gender practices by providing more targeted awareness raising and engaging community and religious leaders, as well as men and boys, in gender equality work.

Education

With agreement still pending on educational curriculum, the absence of structured and age-targeted learning has failed to meaningfully engage children of different age-groups and has had detrimental impacts on access to education. From our discussions with education actors, it was clear that **strong linkages between education and protection are absent and need to be established and strengthened.** Concerns over remote latrines and the absence of gender-segregated learning centers are some of the challenges we heard, particularly impacting adolescent girls. Corporal punishment was also cited as an impediment to safe learning. As such, it is vital that **education and protection actors work more collaboratively on the support and capacity building provided to facilitators to ensure a protective and conducive learning environment.**

Child and Youth Protection

The priorities for child protection are threefold: identifying and meeting the needs of approximately 5,000 unaccompanied and separated children in the sites, providing psycho-social support services to those needing them and engaging the community to improve child protection services. A number of interlocutors told the mission that while progress has been made on creating child friendly spaces it is time to go beyond static efforts and to emphasize quality over quantity. While 197,000 of the 400,000 children targeted for psycho-social first aid have been seen, there is a serious shortage of expert capacity to provide follow up support for those with serious needs. **This dearth of child psychologists and psychiatrists needs to be addressed. And the links between child education and child protection need to be better understood, particularly by actors in other sectors. For children going into foster care, the absence of systematic government participation in these placement decisions needs to be urgently addressed.**

Greater investment in education for youth, as well as activities such as sports for adolescent girls and boys are greatly needed, given that there are few programmes currently targeting them. The fact that many adolescent girls do not feel safe to leave their shelters or are being told not to venture outside by community leaders is an issue that must be addressed. **Continued engagement with community and religious leaders (both Rohingya as well as Bangladeshi) is important, as is engaging organisations that are focused on promoting sports and other activities to target youth.**

Menstrual Hygiene Management

Women and girls of reproductive age face significant barriers in the sites. Of particular concern is their ability to manage menstruation safely and with dignity. While numerous actors have distributed dignity and/or female hygiene kits, these distributions have not covered the needs. Importantly, as highlighted above, the lack of safe and private facilities, including the complete absence, in some sites, of basic bathing facilities, as well as access to private disposal, washing and drying of materials have meant that women and girls are carrying out such tasks late at night, exposed to additional protection risks. **It is vital that WASH and other actors prioritize the provision of safe and private facilities as well as adequate materials to all women and girls of reproductive age within a household. Additionally, information on menstrual hygiene management should be shared in a more systematic and coordinated manner to avoid health risks associated with improper usage of materials.**

Emergency Relocation

Because of the threats posed by monsoons and cyclones, there have been extensive efforts in Cox's Bazar to reinforce the safety of the sites and shelters. While the monsoon season has begun, some of those at risk have not yet relocated and the efforts continue. Whether for individual/family reasons, because of the suitability of the relocation site, or the approach taken to the relocation, efforts have been more successful in some sites than others in convincing refugees to relocate for their own safety. In the sites in Kutupalong, for example, 26,000 refugees in need of relocation refuse to be relocated whereas in Unchiparang, community discussions led by Oxfam and IOM resulted in voluntary relocations of those at risk. The availability of land for relocation of the entire community, early involvement of the Camp in Charge, and phased dialogue with the communities concerned were all factors cited as important to the success of this particular relocation. **To the extent possible, lessons from this successful exercise should be applied in other situations, going forward.**



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